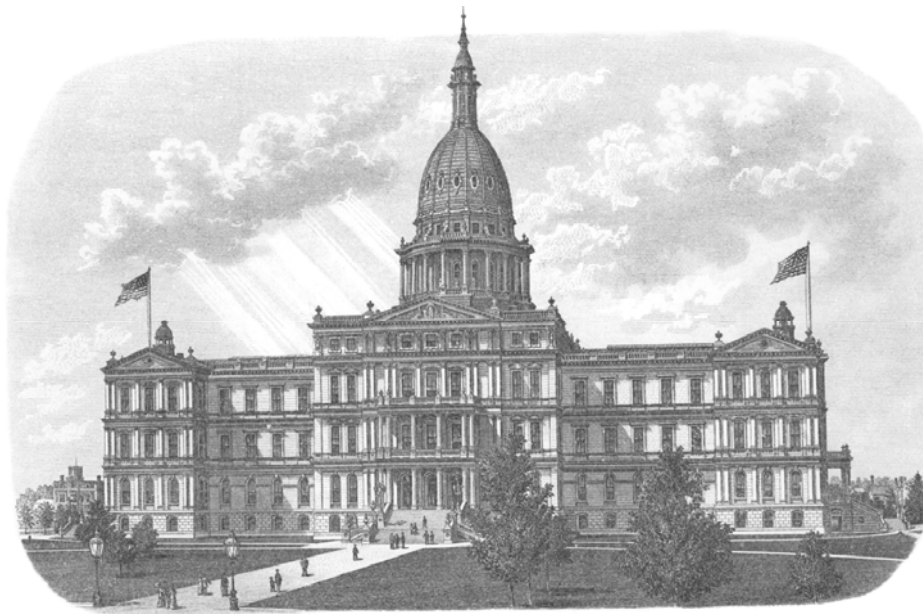


Michigan Register

Issue No. 12 – 2013 (Published July 15, 2013)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



Issue No. 12— 2013

(This issue, published July 15, 2013, contains
documents filed from June 15, 2013 to July 1, 2013)

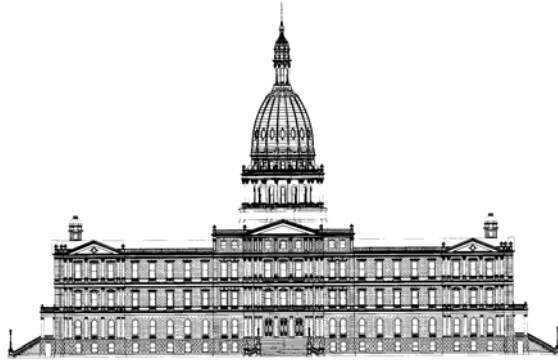
Compiled and Published by the
Office of Regulatory Reinvention

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Steve Arwood, Director, Office of Regulatory Reinvention; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
- (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
- (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
- (5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Steve Arwood, Director
Office of Regulatory Reinvention

2013 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2013	February 1, 2013
2	February 1, 2013	February 15, 2013
3	February 15, 2013	March 1, 2013
4	March 1, 2013	March 15, 2013
5	March 15, 2013	April 1, 2013
6	April 1, 2013	April 15, 2013
7	April 15, 2013	May 1, 2013
8	May 1, 2013	May 15, 2013
9	May 15, 2013	June 1, 2013
10	June 1, 2013	June 15, 2013
11	June 15, 2013	July 1, 2013
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22	December 1, 2013	December 15, 2013
23	December 15, 2013	January 1, 2014
24	January 1, 2014	January 15, 2014

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**ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE**

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF CONSTRUCTION CODES

SURVEY AND REMONUMENTATION

GENERAL RULES

Filed with the Secretary of State on June 21, 2013

These rules take effect immediately after filing with the Secretary of State

(By authority conferred on the department of licensing and regulatory affairs by section 17 of Act No. 345 of the Public Acts of 1990, and Reorganization Order Nos. 1996-2, 1997-12, 2003-1, 2008-20, 2011-4, MCL 445.2001, MCL 445.2002, MCL 54.277, MCL 445.2011, MCL 445.2025 and MCL 445.2030)

R 54.201, R 54.202, R 54.203, R 54.204, R 54.205, R 54.206, R 54.207, R 54.208, R 54.209, R 54.210, of the Michigan Administrative Code are amended and R 54.211, R 54.212 and R 54.213 are added to the Code as follows:

R 54.201 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Act" means the state survey and remonumentation act, 1990 PA 345, MCL 54.261 to 54.279.
- (b) "Applicant" means a county or multiple counties that apply for a grant pursuant to the act.
- (c) "Application" means an annual grant application pursuant to section 13 of the act.
- (d) "Annual grant agreement" means the contract between the department and an applicant.
- (e) "Corner code" means the designation given a corner based on its location within the surveyed township as established on the form pursuant to R 339.17403(8).
- (f) "Department" means the department of licensing and regulatory affairs.
- (g) "Grant administrator" means a person who is appointed by the county board of commissioners.
- (h) "Grantee" means an applicant that receives a grant pursuant to the act.
- (i) "Land corner recordation certificate" (LCRC) means the document prepared and filed pursuant to the corner recordation act, 1970 PA 74, MCL 54.201 to 54.210d, and the form prescribed in R 339.17403(7).
- (j) "Monument" means a marker that occupies the position of a corner and that possesses, or is made to possess, a magnetic field, or is set pursuant to the corner recordation act, 1970 PA 74, MCL 54.201 to 54.210d.
- (k) "Monumentation" means the process by which a public land survey corner or property controlling corner position was established and monumented in an original survey or resurvey by the United States government.
- (l) "Peer review group" means the advisory panel of surveyors who review and provide advice on corners presented by surveyors.

(m) “Public land survey corner” means any corner actually established and monumented in an original survey or resurvey used as a basis of legal description for issuing a patent for the land to a private person from the United States government.

(n) “Remonumentation” means all land surveying activities performed by a surveyor to perpetuate a remonumentation corner pursuant to the act.

(o) “Remonumentation corner” means a public land survey corner or a property controlling corner established and monumented in an original survey or resurvey by the United States government, being perpetuated pursuant to the act and these rules.

(p) “Remonumentation surveyor” means the licensed professional surveyor who is awarded a contract, by a grantee, to perform remonumentation of remonumentation corners.

(q) “Standard monument” means any monument defined in a county plan.

(r) “Surveyor” means a professional surveyor licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014.

(2) Terms defined in the act have the same meanings when used in these rules.

R 54.202 Forms.

Rule 2. The annual grant application and all reports shall be made on forms prescribed by the department.

R 54.203 Right of appeal.

Rule 3. An applicant or grantee who believes that he or she is aggrieved by a fund grant decision of the department may request, in writing, that the department hold a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

R 54.204 County plan.

Rule 4. The county plan shall include all of the following:

(a) A remonumentation plan that identifies and itemizes all remonumentation corners within the borders established by the county plan, including the borders, by county, surveyed township and range, and corner code.

(b) A survey history for each county and copies of records that identify United States government surveys that were conducted outside the instructions for deputy surveyors issued by the surveyors general in 1815, 1833, and 1850.

(c) Define each county’s standard monuments to be used when it is necessary to set a new monument pursuant to the act and these rules.

(d) Outline the specific requirements when remonumentation work is completed by a surveyor for both of the following:

(i) Setting a standard monument,

(ii) Accepting an existing monument.

(e) Stipulate that copies of all remonumentation records required to be maintained and filed pursuant to sections 8(2)(b) and 8(2)(c) of the act shall be provided to the department upon request.

(f) Provide for a perpetual monument maintenance plan pursuant to the act, which shall initiate the year following determination by the department that the remonumentation plan in subdivision (a) of this rule has been completed, pursuant to section 14(2) of the act.

(g) Only be amended with the approval of both the board of county commissioners and the department.

R 54.205 Grant administrator.

Rule 5. (1) The grant administrator shall do all of the following:

- (a) Manage a grantee's obligations of the annual grant agreement and be the point of contact.
- (b) Be responsible for the application, all reports, and documentation required by the act, these rules, and the annual grant agreement.
- (c) Oversee the county representative and all contractual obligations to fulfill the annual grant agreement.
- (2) If the grant administrator is also the county representative, that individual and that individual's organization shall not enter into any remonumentation surveyor contract within the borders established by the county plan.

R 54.206 County representative.

Rule 6. (1) A county representative of each county shall be the county representative for all surveying projects approved by or initiated through the department pursuant to the act. When necessary, a deputy county surveyor may be appointed pursuant to revised statutes of 1846, county surveyors, or an alternative county representative may be appointed by the county board of commissioners to serve in the absence of the county representative.

- (2) A county representative shall do all of the following:
 - (a) Assist the applicant and grantee by providing technical and professional expertise.
 - (b) Assist the applicant and grantee in the development of and monitoring the progress of their county plan pursuant to the act and these rules.
 - (c) Coordinate the perpetuation of remonumentation corners along shared county borders.
 - (d) Facilitate the inclusion of any remonumentation corners that were not included in the annual grant agreement.
 - (e) If a peer review group has been established, schedule and chair the meetings pursuant to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and give notice to any surveyor who has a position in conflict with a corner position scheduled for peer review.
 - (f) At the discretion of the grantee, provide an indication of acceptance on the LCRC that the corner record has been reviewed by the peer review group and accepted by the grantee to be filed with the state pursuant to the act, these rules, and the annual grant agreement. The indication of acceptance shall be placed on the face of the LCRC before its filing with a county's register of deeds. If a conclusive decision cannot be made on a remonumentation corner, the surveyor or grantee may request an independent review be completed before the surveyor renders a final decision.
- (3) If the county representative is also the grant administrator, that individual and that individual's organization shall not enter into any remonumentation surveyor contract within the borders established by the county plan.

R 54.207 Peer review group.

- Rule 7. (1) A grantee may establish a peer review group of surveyors to review corners presented before filing.
- (2) The peer review group shall consist of a minimum of 3 members, which includes the chair.
 - (3) The peer review group shall include not more than 1 person from any firm or company.
 - (4) All meetings shall be held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

R 54.208 Application and grant award.

- Rule 8. (1) An applicant shall comply with the requirements of section 14 of the act and these rules by appointing a grant administrator.
- (2) The department may approve or deny applications based on either the following criteria:
 - (a) Corners to be completed or maintained.

- (b) Estimated expenditures.
- (3) The department may require the applicant to provide additional information for the department to make a determination required by the act and these rules.
- (4) The department may solicit legal or technical review of an application from other sources.
- (5) Approved applications shall be forwarded to the director of the department for execution of an annual grant agreement if sufficient funds are available.

R 54.209 Disbursement of annual grant.

Rule 9. The department shall disburse an annual grant pursuant to section 12 of the act and as follows:

- (a) Forty percent of the annual grant amount upon receipt of a signed annual grant agreement.
- (b) Forty-five percent of the annual grant amount upon receipt and approval of a progress report and supporting documentation. The total of the start-up payment and progress payment is limited to 85% of the total annual grant.
- (c) Final payment upon receipt and approval of a completion report and supporting documentation.

R 54.210 Revocation of grant.

Rule 10. A grant may be revoked in whole or in part pursuant to the act, these rules, and the annual grant agreement.

R 54.211 Establishment by grantee of accounting system and internal controls.

Rule 11. For all grant funds received and dispersed, a grantee shall establish and maintain a separate system of accounts subject to accounting and internal controls recognized by the state treasurer, local audit division, as acceptable county accounting practices.

R 54.212 Audit; retention of financial records.

Rule 12. (1) The department may audit the grantee to assure compliance with the requirements of the grant agreement.

(2) The grantee shall retain all financial records, supporting documents, statistical records, and all other records that are pertinent to a grant for a period of 5 years, unless any litigation or departmental audit is started before the expiration of the 5-year period. Records shall be retained for 7 years from the date of the audit report or until all litigation, claims, or audit findings that involve the records have been resolved, whichever is later.

R 54.213 Inconsistent or conflicting provisions.

Rule 13. Any provision of an annual grant agreement or county plan which is inconsistent or in conflict with the act and the corner recordation act, 1970 PA 74, MCL 54.201 to 54.210d, or these rules, is superseded to the extent of the inconsistency and conflict.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

ACCOUNTING – GENERAL RULES

Filed with the Secretary of State on June 21, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of licensing and regulatory affairs by sections 205 and 721 of 1980 PA 299, MCL 339.205 and 339.721; and on the board of accountancy by section 308 of 1980 PA 299, MCL 339.308; and by Executive Reorganization Order No. 1996-2, 2003-1, 2011-4, 2011-5 and 2011-6, MCL 445.2001, MCL 445.2011, MCL 445.2030, MCL 445.2031, and MCL 445.2032.)

R 338.5101, R 338.5102, R 338.5104, R 338.5110, R 338.5110a, R 338.5111, R 338.5112, R 338.5115, R 338.5140, R 338.5210, R 338.5217, R 338.5218, R 338.5230, R 338.5240, R 338.5255, R 338.5401, R 338.5405, R 338.5435, R 338.5460, R 338.5465, R 338.5475, R 338.5501, and R 338.5503 of the Michigan Administrative Code are amended, and R 338.5116, R 338.5117, and R 338.5139 are added, and R 338.5103, R 338.5105, R 338.5114, R 338.5120, R 338.145, R 338.5260, R 338.5270, R 338.5446, and R 338.5480 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.5101 Definitions.

Rule 101. (1) As used in these rules:

- (a) "Act" means 1980 PA 299, MCL 339.101 to 339.2919, and known as the occupational code.
- (b) "Audit" or "examination" means an examination applying generally accepted auditing standards, including any procedure undertaken to verify or test the reasonableness of financial information with a view of expressing an opinion or commenting on the fairness of the presentation.
- (c) "Attest services" means an audit, review, or agreed upon procedures engagement performed in accordance with applicable professional standards pursuant to R 338.5101(l), R 338.5101(m), R 338.5102, and R 338.5103.
- (d) "Board" means the Michigan state board of accountancy.
- (e) "Certified public accountant" or "CPA" means a person holding a certificate of certified public accountant granted by the department, or an individual with practice privileges.
- (f) "Client" means the person or persons or entity that retains an individual licensee, a firm licensee, individual with practice privileges, or an out-of-state firm, for the performance of professional services.
- (g) "Continuing education period" means all or part of a year beginning July 1 and ending June 30.
- (h) "Disclose" means to provide a written communication from a CPA or a CPA firm informing the client, prior to making a recommendation or referral, that the CPA or CPA firm will receive a

commission, referral fee, or contingency fee from a third party for recommendations or referrals of products and/or services.

(i) "Enterprise" means a person, persons, or entity for which an individual licensee, a firm licensee, an individual with practice privileges, or an out-of state firm performs professional services.

(j) "Exam window" means the time in each calendar quarter in which the uniform CPA examination is offered. There are 4 exam windows in each calendar year, the first 2 months of each calendar quarter: January 1 to February 28 (or 29), April 1 to May 31, July 1 to August 31, and October 1 to November 30.

(k) "Financial statements" means statements and related footnotes that show financial position, results of operations, and cash flows on the basis of generally accepted accounting principles or another comprehensive basis of accounting. The term does not include incidental financial data included in management advisory services reports to support recommendations to a client and does not include tax returns and supporting schedules of tax returns.

(l) "Generally accepted accounting principles" means accounting principles of professional conduct, promulgated by the applicable nationally or internationally recognized professional standard setting organization, related to individual accounting engagements.

(m) "Generally accepted auditing standards" means the standards of professional conduct, promulgated by the applicable nationally or internationally recognized professional standard setting organization, related to individual audit engagements.

(n) "Individual with practice privileges" means an individual who practices in this state pursuant to MCL 339.727a.

(o) "Licensee" means the holder of an individual license under MCL 339.727 or the holder of a firm licensed under MCL 339.728.

(p) "Out-of-state firm" means a firm that is permitted to provide certain services and use the title "CPA firm" without obtaining a Michigan firm license under MCL 339.728 under the conditions in MCL 339.728(5) and (6).

(q) "Professional engagement" means an agreement between a client and an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm relative to the performance of professional services.

(r) "Professional services" means any services performed or offered to be performed by an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm for a client in the course of the practice of public accounting, pursuant to MCL 339.720.

(s) "Qualifying hours" means continuing education hours that comply with part 3 of these rules.

(t) "State" means the 50 states of the United States of America, Washington, D.C., Puerto Rico, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(2) Terms defined in the act have the same meanings when used in these rules.

R 338.5102 Standards of professional practice adopted by reference.

Rule 102. The standards specified in this rule are adopted in these rules by reference and are available for inspection and distribution to the public, at a cost as of the time of adoption of these rules, at the Department of Licensing and Regulatory Affairs, Bureau of Commercial Services, 2501 Woodlake Circle, Okemos, MI 48864. Copies of the standards may be obtained from the appropriate agency, organization, or association listed below. The standards adopted are as follows:

(a) "American Institute of Certified Public Accountants (AICPA) professional standards, as of June 1, 2011. The publication may be viewed for no charge at <http://www.aicpa.org/Research/Standards/Pages/default.aspx> and is available from the American

Institute of Certified Public Accountants (AICPA) at 220 Leigh Farm Road, Durham, NC 27702-8110, or by calling 1-888-777-7077. Cost: \$155.00 for members; \$193.75 for non-members.

(b) The standards issued by the Public Company Accounting Oversight Board (PCAOB) in the publication entitled "PCAOB Standards and Related Rules," as of January, 2011. A copy of the publication may be viewed for no charge at <http://pcaobus.org/Pages/default.aspx> and may be purchased from the AICPA pursuant to subdivision (a) of this subrule. Cost: \$125.00 for members; \$156.25 for nonmembers.

(c) The auditing standards issued by the Government Accountability Office in the publication entitled "Government Auditing Standards," as of December, 2011. The publication may be downloaded and viewed for no charge at <http://www.gao.gov/assets/590/587281.pdf> and is available from the Government Accountability Office at U.S. Government Printing Office, P.O. Box 979050, St. Louis, MO 63197-9000, or by calling 1-866-512-1800. Cost: \$16.00.

(d) The auditing standards issued by the International Auditing and Assurance Standards Board (IAASB) in the publication entitled "2012 Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements" as of July 31, 2012. The publication may be viewed for no charge at <http://www.ifac.org/auditing-assurance/publications-resources> and is available from the International Federation of Accountants (IFAC) at 529 5th Avenue, 6th Floor, New York, New York 10017; or by calling 1-212-286-9344. Cost: \$160.00

(e) The accounting standards issued by the Financial Accounting Standards Board (FASB) in the publication entitled "FASB Accounting Standards Codification" as of October 31, 2011. The publication may be viewed for no charge at <https://asc.fasb.org/> and is available from the FASB at 401 Merritt 7, PO Box 5116, Norwalk, CT 06856-5116, or by calling 1-800-748-0659. Cost: \$215.00.

(f) The accounting standards issued by the Governmental Accounting Standards Board (GASB), in the publication entitled "GASB Codification" as of June 30, 2011. The publication is available for purchase at www.gasb.org/store. Cost: \$100.00.

(g) The accounting standards issued by the International Accounting Standards Board (IASB) in the publication entitled "IFRS 2012 (Red Book)" as of January 1, 2012, may be viewed for no charge from the International Financial Reporting Standards (IFRS) Foundation at <http://www.ifrs.org/IFRSs/Pages/IFRS.aspx> and is available for purchase at <http://shop.ifrs.org>. Cost: \$94.16.

R 338.5103 Rescinded.

R 338.5104 Retention of documents

Rule 104. (1) With the exception of documents related to a peer review, all individual licensees, firm licensees, individuals with practice privileges, and out-of-state firms shall retain sufficient documentation, in any form, with regard to services performed while engaged in the practice of public accounting, as well as evidence obtained and conclusions reached, for a period of not less than 5 years.

(2) Documents related to a peer review shall be retained in accordance with the AICPA's professional standards and retention policies pursuant to R 338.5102(1)(a) or until final adjudication of a complaint related to a peer review, whichever is later.

(3) Documentation shall be consistent with that required by professional standards or promulgated by the applicable nationally or internationally recognized professional standards setting organizations.

R 338.5105 Rescinded.

R 338.5110 Uniform CPA exam generally.

Rule 110. (1) The department or its designee may permit a candidate to sit for the exam in another state if the candidate complies with all administrative rules.

(2) The department may excuse a candidate from an exam due to the sickness of the candidate or a member of the candidate's immediate family if substantiated by a doctor's certificate. A candidate may also be excused if the candidate provides the department with proof of a death in the candidate's immediate family, temporary military service, or another good reason acceptable to the department. A candidate shall make a request to be excused within 90 days of the date of the exam. If excused, an applicant's exam shall not count as a failure to write the exam.

(3) The department shall grant a candidate credit for exam grades of 75 or higher earned in another state if the candidate meets the educational requirements to sit for the exam and if the board determines the exam was equivalent to the exam provided by the department.

PART 2. LICENSURE REQUIREMENTS

R 338.5110a Uniform CPA exam procedures.

Rule 110a. The following procedures shall apply:

(a) Applicants may take the required exam sections individually and in any order.

(b) Applicants shall pass all sections of the exam within the exam windows that fall within a rolling 18-month period beginning on the date that the first section is passed. If all sections are not passed within the exam windows that fall within the rolling 18-month period, then credit for any section passed outside the 18-month period shall expire and must be retaken.

(c) The department may extend an exam window due to the sickness of the candidate or a member of the candidate's immediate family if substantiated by a doctor's certificate. An exam window may also be extended if the candidate provides the department with proof of a death in the candidate's immediate family, temporary military service, or another good reason acceptable to the department. A candidate shall make a request to be excused within 90 days of the date of the exam. If extended, an applicant's exam shall not count as a failure to write the exam.

(d) Applicants shall not retake any sections of the exam within the same exam window.

R 338.5111 Exam scores.

Rule 111. (1) The minimum passing grade for each subject is 75.

(2) The department shall notify each candidate of his or her grades within a reasonable time, but not later than 120 days after completion of the exam.

(3) A candidate shall appeal the grading of any paper to the department, in writing, within 30 days after grades are released.

R 338.5112 Failure to write exam during specified period; reapplication required.

Rule 112. A candidate who fails to write an exam for a period of 6 successive exam windows shall apply as a new applicant, unless excused under R 338.5110(2) or R 338.5110a(c).

R 338.5114 Rescinded.

R 338.5115 Exam; qualifying educational requirement; adoption of accreditation standards by reference; board recognition of educational institutions; requirements for concentration in accounting.

Rule 115. (1) As provided in section 725(2) of the act, the department shall regard a person as having completed a curriculum required for a baccalaureate degree with a concentration in accounting upon completion of an academic program consisting of not less than 120 semester hours including those delineated in subrule (3) of this rule at an educational institution pursuant to subrule (2) of this rule.

(2) For the purpose of identifying the educational institutions that meet the educational standards required by the board to satisfy section 725 of the act, all of the following provisions apply:

(a) The board adopts the criteria for accreditation of the North Central Association of Colleges and Schools, Commission on Institutions of Higher Education, including in the publication entitled “Handbook of Accreditation, Third Edition.” Accreditation by the north central association of colleges and schools or an affiliated association is prima facie proof of having met the criteria. Copies of the criteria are available for purchase from the North Central Association of Colleges and Schools, The Higher Learning Commission, 30 N. La Salle Street, Suite 2400, Chicago, IL 60602-2501, at a cost of \$33.50 as of the time of adoption of these rules and may be downloaded for no charge at www.ncahlc.org/.

(b) The department may recognize an educational institution which demonstrates that the curricula required for its degrees are the equivalent of the curricula required for degrees granted by institutions accredited under subdivision (a) of this subrule.

(3) A concentration in accounting shall include all the following accounting and general business subjects, for which credit is transferable to any baccalaureate degree-granting institution recognized by the department:

(a) Auditing: 3 semester hours.

(b) General business subjects: 24 semester hours.

(c) Twenty one semester hours of accounting principles that shall include study in each of the following areas:

(i) Financial accounting and accounting theory.

(ii) Managerial accounting, including cost accounting.

(iii) Accounting systems and controls.

(iv) United States federal taxation.

(v) Governmental/fund accounting.

R 338.5116 Certificate of certified public accountant; credit hour requirements for concentration in accounting.

Rule 116. (1) The department shall consider a person as having met the concentration in accounting requirements of section 725(1)(e) of 1980 PA 299, MCL 339.725, if the person provides proof of having completed 150 semester hours of academic credit at an accredited college or university, including either of the following:

(a) A master's degree in accounting or a master's degree in business administration that includes not fewer than 12 semester hours of graduate level accounting courses. The 12 semester hours of accounting courses shall not include tax or information systems courses.

(b) An academic program consisting of both of the following:

(i) Thirty semester hours of accounting subjects, including not more than 6 semester hours of taxation. Additional semester hours in accounting subjects may be applied toward the general business subject requirements of subdivision (b) (ii) of this subrule.

(ii) Thirty-nine additional semester hours with a minimum of 3 semester hours, but not more than 12 semester hours, in not fewer than 5 of the following areas:

(A) Business law.

(B) Economics.

(C) Ethics.

(D) Finance.

(E) Management.

(F) Marketing.

(G) Taxation.

(H) Statistics.

(I) Business policy.

(2) A person may earn credit only once for an accounting or general business topic. If the department determines that 2 courses are duplicative, then only the semester hours of 1 course shall be counted toward the semester hour requirement.

(3) Academic credit earned during an internship shall apply toward the total 150 semester hour requirement; however, shall not apply to the required 30 semester hours of accounting subjects or the required 39 semester hours in subrule (1)(b)(ii) of this rule.

R 338.5117 Certificate of certified public accountant; qualifying experience requirement.

Rule 117. (1) An applicant applying for a CPA certificate shall have obtained not less than 2,000 hours of qualifying experience within a period of not less than 1 calendar year nor more than 5 calendar years.

(2) The department shall grant full credit for qualifying experience earned during a college or university internship, including the internships for which educational credit is provided.

(3) The department shall regard instruction as qualifying experience, if the applicant has completed not less than 4 academic semesters of an academic appointment in accounting at an institution recognized by the department. An instructor who has an academic appointment in accounting shall teach, as the principal instructor, not less than 6 credit hours per semester of accounting subjects above the elementary level.

R 338.5120 Rescinded.

R 338.5139 Practice privilege.

Rule 139. An individual shall not, as a condition of qualification for the practice privilege granted under MCL 339.727a, be required to comply with the continuing professional education requirements of this state provided that the individual is in compliance with the continuing professional education requirements of the state of the individual's principal place of business.

R 338.5140 Permit for temporary practice.

Rule 140. (1) An accountant who does not qualify for practice privileges under MCL 339.727a nor hold a license to practice public accounting in this state shall obtain a permit and pay the appropriate fee for each engagement in this state by this accountant, or on behalf of his or her firm, who does not hold a license to practice public accountancy in this state. The applicant shall hold a license as a certified public accountant of another state, or hold a title from a foreign country, recognized by the board as comparable to the Michigan certificate of certified public accountant and shall be practicing public accountancy under the certificate or license in the grantor state or country.

(2) If approved by the department, the term of the permit shall begin on the date approved unless otherwise specified and shall be for a specified period, but shall not be for more than 1 year.

(3) The temporary practice shall be performed by, or under the direct supervision of, a licensed certified public accountant, an individual with practice privileges under to MCL 339.727a or the holder of a title from a foreign country who is recognized under subrule (1) of this rule.

(4) A temporary permit is not required if the work relates to a Michigan-based division or subsidiary of an entity, if the parent entity is located in another state or foreign country and is a client of the certified public accountant, firm, or foreign accountant, and if a separate presentation of financial statements with a related independent auditor's report or review report, or an attestation regarding the

reliability of a representation or estimate is not made for the division or subsidiary on a stand-alone basis.

(5) A temporary permit is not required if the work is to be performed through the applicant's employer who presently holds the license to practice public accountancy in this state.

(6) A temporary permit issued to an accountant shall also constitute a temporary permit for his or her firm, if his or her firm is not presently licensed in this state.

(7) If another jurisdiction charges a fee for providing an affidavit or certificate of professional standing for determining whether the applicant is qualified to practice public accountancy temporarily in this state, then the applicant shall pay the fee.

R 338.5145 Rescinded.

PART 3. CONTINUING EDUCATION

R 338.5210 Continuing education requirements; reporting; qualifying hours.

Rule 210. (1) A licensee shall earn qualifying hours annually within the continuing education period and shall attest to compliance biennially on a form prescribed by the department.

(2) A licensure applicant or licensee is solely responsible for documenting the evidence to support the fulfillment of the requirements under this part and shall retain evidence to support fulfillment of the continuing education requirements for a period of 4 years after submission of the report under subrule (1) of this rule.

(3) A licensee is subject to audit under this rule and may be required to submit the documentation as described by subrule (2) of this rule upon request of the department.

(4) A licensee shall earn not fewer than 8 of the minimum qualifying hours annually in auditing and accounting, and not fewer than 2 of the minimum qualifying hours annually in ethics. The study of ethics may include, but is not limited to, the study of the code of conduct, ethical reasoning, ethics enforcement, non-attest services, and independence.

(5) The form and content of continuing education courses shall be acceptable to the department.

R 338.5217 Instruction.

Rule 217. Each hour of classroom work as a teacher, instructor, speaker, or lecturer at an educational institution, or each hour spent conducting a group program under R 338.5216 as a teacher, instructor, lecturer, speaker, or seminar discussion leader, equals 3 continuing education hours for the initial session of the course or program taught. The licensee shall not be granted additional credit for subsequent repetitious sessions during the same continuing education period. The credit shall not exceed 50% of the minimum qualifying hours in any continuing education period.

R 338.5218 Self-study programs.

Rule 218. (1) A licensure applicant or licensee shall receive continuing education credit for an individual self-study program that is in compliance with all of the following requirements:

(a) The program consists of an educational course designed for self-study and requires evidence of satisfactory completion.

(b) The subject matter of the program is listed in R 338.5255.

(c) Written certification of completion and a program outline and recommended qualifying hours are issued by the sponsor upon request.

(d) The sponsor maintains written records of the program outline and completion of the program for a period of 4 years.

(2) Credit for a self-study program shall not be more than 50% of the minimum qualifying hours in any continuing education period unless the department has pre-approved a waiver based on physical limitations precluding live attendance.

(3) A licensee shall not receive credit for repeating a self-study program or course or another self-study program or course that has substantially the same content during a continuing education period.

R 338.5230 Relicensure; continuing education.

Rule 230. (1) The department shall issue a license to an applicant applying for relicensure to practice public accounting upon submission of proof from the applicant that he or she has completed 40 hours of continuing education credit within the 12 months immediately preceding the date of application. Eight of the 40 hours shall be in auditing or accounting, or both, and 2 of the 40 hours shall be in ethics.

(2) The department shall prorate, from the month following the date of licensure, the qualifying hours required for the continuing education period in which the license is granted.

(3) The department shall deem a person granted an original certificate of certified public accountant to have complied with all continuing education requirements through the continuing education period ending June 30 of the year in which the certificate was granted.

R 338.5240 Carryover of continuing education hours.

Rule 240. (1) Except as provided in subrule (2) of this rule, any hours in excess of the required 40 hours for each continuing education period may be carried over to the following continuing education period up to a maximum of 40 hours.

(2) A licensee applicant or licensee may not apply more than 8 hours of accounting carryover or auditing carryover, or both, to meet the minimum accounting requirements or auditing requirements, or both, of the following continuing education period.

(3) A licensee applicant or licensee may not apply more than 2 continuing education hours of ethics as carryover to meet the minimum ethics requirements of the following continuing education period.

R 338.5255 Qualifying continuing education subjects.

Rule 255. Subjects qualifying for continuing education include the following:

- (a) Accounting.
- (b) Auditing.
- (c) Management advisory services.
- (d) Information technology.
- (e) Mathematics, statistics, probability, and quantitative application to business.
- (f) Economics.
- (g) Finance.
- (h) Business law.
- (i) Business management.
- (j) Professional ethics for certified public accountants.
- (k) Taxation.
- (l) Financial advisory services.
- (m) Business valuations.

(n) Any other subjects which contribute to the professional competency of a licensee and for which the responsibility for compliance rests solely with the licensure applicant or licensee.

R 338.5260 Rescinded.

R 338.5270 Rescinded.

PART 4. PROFESSIONAL CONDUCT

R 338.5401 Responsibility for conduct of supervised persons.

Rule 401. (1) The department may hold a an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm responsible for compliance with the rules of professional conduct by all persons under their supervision. If the licensee is a firm, then the department shall hold the firm, and shall hold an out-of-state firm, responsible for compliance with the rules of professional conduct by all of its employees.

(2) An individual licensee, a firm licensee, and individual with practice privileges, or an out-of-state firm, shall not permit others to carry out on its behalf acts which, if carried out by the individual licensee, firm licensee, individual with practice privileges, or out-of-state firm, would constitute a violation of the rules of professional conduct.

R 338.5405 Independence rule; adoption by reference.

Rule 405. An individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm may express an opinion on financial statements of an enterprise only if the individual licensee, firm licensee, individual with practice privileges, or out-of-state firm is independent from the enterprise. For the purpose of defining the impairment of independence, the board adopts by reference the AICPA professional standards, as of June 1, 2011, pursuant to R 338.5102(1)(a).

R 338.5435 Licensee competence required to undertake professional engagement.

Rule 435. An individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm shall not undertake a professional engagement that the individual licensee, firm licensee, individual with practice privileges, or out-of-state firm cannot competently complete.

R 338.5446 Rescinded.

R 338.5460 Contingent fees.

Rule 460. (1) As provided in section 730 of the act, a contingent fee is a fee paid by a client to an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm.

(2) An individual licensee, firm licensee, an individual with practice privileges, or an out-of-state firm who is paid or expects to be paid a contingent fee by a client shall disclose that fact to the client.

(3) As used in section 730(4) of the act, the term "tax matters" relates to the preparation of an original or amended tax return or claim for tax refund and includes giving advice on events that occurred before the time the advice is given if the advice is directly relevant to determining the existence, character, or amount of a schedule, entry, or other portion of a return of claim for refund.

(4) As provided in section 730(4) of the act, a fee is considered determined, based on the findings of a governmental agency, if the individual licensee, firm licensee, individual with practice privileges, or out-of-state firm can demonstrate a reasonable expectation at the time of a fee arrangement of substantive consideration by the agency with respect to the client. An expectation of substantive consideration is deemed not reasonable for preparation of original tax returns.

R 338.5465 Acts constituting discreditable conduct.

Rule 465. Any of the following acts by an individual licensee, firm licensee, an individual with practice privileges, or an out-of-state firm, constitutes conduct that is discreditable to the accounting profession:

- (a) Using deceptive representations in connection with services performed.
- (b) Representing that services are of a particular standard when they are not.
- (c) Failing to perform, on a timely basis, services in accordance with the conditions, terms, or prerequisites of a public communication or any quotation.
- (d) Misrepresenting facts or failing to disclose relevant facts.
- (e) Creating false or unjustified expectations of favorable results.
- (f) Implying abilities not supported by valid educational or professional attainments or licensing recognition.
- (g) Implying the ability to influence improperly any court, tribunal, or other public body or official.
- (h) Making any other representation or implication that is false, deceptive, or misleading.
- (i) Employing or engaging a person to perform a discreditable act.
- (j) Engaging in a trade practice prohibited by law.
- (k) Retaining documents constituting the original books and records of a client after a demand has been made for their return.
- (l) Failing to respond, within a reasonable time, to inquiries of the board or its authorized representatives relative to the administration of the act.
- (m) Providing false or misleading information on the qualifying experience of an applicant for certified public accountant.
- (n) Stating or implying that the individual licensee, firm licensee, individual with practice privileges, or out-of-state firm has received formal recognition as a specialist in any aspect of the practice of public accountancy if the individual licensee, firm licensee, individual with practice privileges, or out-of-state firm has not received the recognition.
- (o) Representing that professional services can or will be competently performed for a stated fee when this is not the case, or making representations with respect to fees for professional services that do not disclose all variables which may reasonably be expected to affect the fees that will in fact be charged.

R 338.5475 Payment or acceptance of commissions; "commission" defined.

Rule 475. (1) As used in section 731 of the act, "commission" means any remuneration paid to an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm by a third party in connection with a recommendation or referral of a person to the third party.

(2) As provided in section 731(3) of the act, a referral fee is not a commission when received or paid by an individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm for recommending or referring a client to another individual licensee, firm licensee, individual with practice privileges, or out-of-state firm for a service involving the practice of public accounting.

(3) An individual licensee, a firm licensee, an individual with practice privileges, or an out-of-state firm who is paid or expects to be paid a commission or a referral fee shall disclose that fact to the client.

R 338.5480 Rescinded.

R 338.5501 Peer review.

Rule 501. (1) Each firm or sole practitioner required to participate in a peer review program, pursuant to MCL 339.729(2), shall enroll in the program of a qualified sponsoring organization within 1 year of the earlier of the following:

- (a) Its initial licensing date.
- (b) The performance of services that require a peer review.

(2) Proof of a peer review shall not be required to be submitted to the department until the second renewal following initial licensure or the performance of services requiring a peer review.

(3) The department shall accept, as proof of compliance with MCL 339.729(2), the electronic submission of information from the facilitated state board access (FSBA) website.

(4) Qualified sponsoring organizations shall include the center for public company audit firms (CPCAF) peer review program, the American institute of certified public accountants (AICPA) peer review program, national conference of CPA practitioners (NCCPAP) peer review program, and such other entities that adhere to the peer review standards defined in R 338.5102(1)(a) as determined by the board. With respect to an out-of-state firm required to obtain a license under MCL 339.728(1)(b), a peer review sponsoring organization approved by another state in which that firm is licensed is presumed to be qualified in this state, with respect to that firm.

(5) A licensee subject to peer review shall not be required to become a member of any sponsoring organization.

(6) Out-of-state firms required to obtain a peer review under MCL 339.728(5) may, in lieu of enrolling in a program sponsored by an organization described in subrule (3) of this rule, comply with the peer review requirement applicable in the state where that firm is licensed, proof of which shall be furnished to the department upon the department's request.

R 338.5503 Peer review standards; change in sponsoring organization; deficient peer review reports; documentation.

Rule 503. (1) If a firm is merged, otherwise combined, dissolved, or separated, the sponsoring organization shall determine which firm is considered the succeeding firm. The succeeding firm shall retain its peer review status and the review due date.

(2) A firm choosing to change to another sponsoring organization may do so provided that the firm authorizes the previous sponsoring organization to communicate to the succeeding sponsoring organization any outstanding corrective actions related to the firm's most recent review.

(3) The department may rely on a fail peer review report or a second consecutive pass with deficiencies peer review report as prima facie evidence of a violation of professional standards.

(4) Each peer review and reviewer must comply with the applicable review standards in place at the time of the review. The following apply:

(a) Documents related to a peer review shall be retained in accordance with the AICPA's retention policies pursuant to R 338.5102(1)(a), or until final adjudication of a complaint related to a peer review, whichever is later.

(b) The documents described in subdivision (a) of this subrule shall be available for inspection by the department during regular business hours with reasonable notice.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF NATURAL RESOURCES

LAW ENFORCEMENT DIVISION

~~REGULATION OF LANDS ADMINISTERED BY THE DEPARTMENT OF NATURAL
RESOURCES~~ **STATE LAND USE RULES**

Proposed Draft July 1, 2013

Filed with the Secretary of State on

(By authority conferred on the Department of Natural Resources by section 504 of 1994 PA 451, MCL 324.504, **and Executive Orders 1991-22, 2009-45, and 2011-1, MCL 299.13, 324.99919, and 324.99921**)

R 299.921, R 299.922, R 299.923, R 299.924, R 299.925, R 299.926, R 299.927, R 299.928, R 299.929, R 299.930, R 299.931, and R 299.932, of the Michigan Administrative Code are amended, and R 299.925 of the Michigan Administrative Code is rescinded, as follows:

R 299.921 Definitions.

Rule 21. As used in these rules:

(a) "Camp" means any of the following:

(i) The ~~erection~~ **opening or setting up** of a tent.

(ii) ~~The opening or setting up of a tent type camper.~~

(iii) The parking and occupancy of a ~~travel or house trailer~~ **an enclosed, self-contained camping unit.**

(iv) (iii) ~~Sleeping in any type motor vehicle, or occupying a sleeping bag, or sleeping in any other manner between the hours of 10 p.m. and 8 a.m.~~

(b) "Commercial operations" means any activity that involves, directly or indirectly, the buying or selling of goods or services, or the exchange or attempt or offer to exchange goods or services for money, barter, or for anything of value.

(c) "Day-use area" means a specific area of a state park, ~~or~~ recreation area, **pathway, or state forest** which is developed and maintained as an area to be used by the public for picnics, playground use, swimming, organized meetings, ~~or~~ social gatherings, and educational displays and exhibits and ~~which~~ has a 450-foot buffer zone around the area. "Day-use area" also includes all park, ~~or~~ recreation area, **pathway, or state forest** area offices, out-buildings, garages, maintenance shops, museums, the 450-foot buffer zone around all such buildings, and any area ~~of a state park or recreation area~~ that the ~~chief of the parks and recreation division~~ **department** designates as a "day-use area," either on a temporary or permanent basis, by posting the boundaries of that area as a "day-use area."

(d) "Designated" means listed in a director's order, posted with a sign or signs at the site, or reasonably identified for a particular use, **and includes the following:**

(i) "Designated area" means an area that has been properly signed on the ground for cross-country ORV use.

(ii) **"Designated campsite" means a site that is identified with a site number.**

(iii) **"Dispersed camping" means camping by permit on state-owned land under the control of the department, on other than a designated area or designated campsite.**

(iv) **“Designated group campsite” means an area within a designated campground with defined boundaries that allows for the placement of multiple camps for group camping.**

~~(f)~~ (v) **“Designated route” means any forest roads that have been properly signed on the ground for ORV use.**

~~(g)~~ (vi) **“Designated trail” means a 1-track path or way which is capable of travel by a 2- to 4-wheel vehicle that is less than 50 inches in width and which has been properly signed on the ground for ORV use.**

~~(h)~~ (e) **“Event” means a single, structured, organized, consolidated, scheduled meeting or occurrence which is on state-owned lands and to which 1 or both of the following apply:**

(i) A fee or donation is required for participation.

(ii) The number of people involved is 20 or more individuals.

(f) **“Fireworks” means any device as defined in section 2 (i) of 2011 PA 256, MCL 28.452(i).**

~~(i)~~ (g) **“Forest road” means a hard surfaced road, a gravel or dirt road, or another route capable of being traveled by a 2-wheel drive, 4-wheeled conventional vehicle designated for highway use, but does not include an interstate, state, or county highway a forest road as defined in MCL 324.81101 (f).**

~~(j)~~ (h) **“ORV” means motor-driven off-road recreational vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. “ORV” includes, but is not limited to, any of the following:**

~~–(i) A multitrack or multiwheel drive or low pressure tire vehicle.~~

~~–(ii) A motorcycle or related 2-wheel or 3-wheel vehicle.~~

~~–(iii) An amphibious machine.~~

~~–(iv) A ground effect air cushion vehicle.~~

~~–(v) Another means of transportation deriving motive power from a source other than muscle or wind.~~

“ORV” does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common function, or a registered aircraft a vehicle as defined in MCL 324.81101(o).

(i) **“Owner’s agent” means an individual authorized by the owner to act on an owner's behalf.**

(j) **“Pathway” means a narrow recreational trail of compacted native soil or improved trail surface designated for non-motorized use, except for a PAMD, and properly signed on the ground.**

(k) **“Permit or proper written permission” means a written signed permit or signed written permission issued by the department.**

~~(l) “Person” has the same meaning as defined in section 301 of 1994 PA 451, MCL 324.301.~~

“Personal assistive mobility device” (PAMD) means any device, including one that is battery-powered, that is designed solely for use by an individual with mobility impairment for locomotion and is considered as an extension of the individual. An individual whose disability requires use of a wheelchair or PAMD may use such equipment that meets this definition anywhere foot travel is allowed.

(m) **“Properly signed on the ground” means that a signs have been posted by the department to mark the location or boundary of a designated trail, route, pathway, or other designated area.**

(n) **“Quiet hours” means the hours between 10 p.m. and 8 a.m. during which time an individual may not knowingly cause noise that disturbs another.**

~~(n)~~ (o) **“State forest officer” means a person an individual commissioned by the director under authority of section 83107 of 1994 PA 451, MCL 324.83107.**

~~(o)~~ (p) **“State park officer or state park and recreation enforcement officer” means a person an individual commissioned by the director under section 74124 of authority of section 1606 of 1994 PA 451, MCL 324.72124324.1606.**

R 299.922 Unlawful acts generally.

Rule 22. On lands owned or under the control of the department, it is unlawful ~~for a person or persons~~ to do any of the following:

(a) ~~To~~ Enter, use, or occupy state-owned lands for any purpose ~~when they are~~ **where** posted against entry, use, or occupancy, as ordered by the department.

(b) ~~To~~ Dispose of refuse, rubbish, trash, or garbage not resulting from the use of state-owned lands in a receptacles provided on state-owned lands.

(c) ~~To~~ Set a fire to the contents of a trash container.

(d) ~~To place, or burn garbage in a fire ring or stove, or~~ **Bury or burn** refuse, rubbish, trash, or garbage; ~~regardless of its origin in a fire ring or stove.~~

(e) ~~To~~ Engage in any violent, abusive, loud, boisterous, vulgar, lewd, or otherwise disorderly conduct, or to lounge, sit, or lie upon a walks, roads, or paths obstructing the free passage of another ~~person~~ **individual**.

(f) ~~To~~ Place or erect a fence or barrier, to **install**, construct or occupy ~~improvements,~~ **a structure or modification to state-owned land**, or to enclose the lands.

(g) ~~To~~ Move, remove, destroy, mutilate, or deface a posters, notices, signs, ~~or~~ markers, ~~or any~~ **property** of the department ~~of natural resources~~ or any other agency of government.

(h) ~~To~~ Destroy, damage, or remove a trees, **including a dead and downed tree and woody debris**, shrubs, wildflowers, grasses, or other vegetation. Except in a wildlife food plots, this subdivision does not apply to picking and removing mushrooms, berries, and edible fruits or nuts for personal use.

(i) ~~To peddle or systematically~~ Solicit business of any nature; distribute or post any handbills or other advertising ~~matter~~ **material**; post a signs; paint or otherwise mark any tree or rock on any **state-owned** lands, waters, structures, or property, **except with written permission from the department**.

(j) ~~To~~ Possess a glass container within any **state-owned** land or water area that is designated as a bathing beach or a **state-owned** land or water area that is regularly used for sunbathing, swimming, or wading.

(k) ~~To~~ Obstruct any road or trail in a manner that hinders public access to ~~the~~ **state-owned** lands.

(l) ~~To~~ Park a vehicles of any type in **an** areas posted as no parking; or, where a designated parking areas exists, to park a vehicles of any type in an area other than the designated parking area. If a motor vehicle is found parked on **state-owned** lands **and is found to be in violation of this rule**, ~~then the registered owner is license plate displayed on the motor vehicle shall constitute prima facie evidence that the person who parked it there is the owner and responsible for the violation as defined in MCL 257.675c(1).~~

(m) **Park any vehicle in or otherwise occupy a designated campsite, except by a registered camper or authorized visitor to a registered camper.**

~~(n) To~~ **(n) Hold** an events including, but not limited to, a races, endurance contests, tournaments, or trail rides, unless the events ~~are~~ **is** conducted pursuant to a permit **issued by the department**. The permit may include a charge to the sponsor or permittee for the use of ~~the~~ **state-owned** land. ~~An event~~ **The permit** may require a performance bond ~~to ensure permit compliance~~ and may require public liability insurance. The department may waive the requirement for a permit for **an event** ~~events where the number of participants is 20 or more individuals~~ if the department determines that the event will not require department oversight, and the event ~~will~~ **is anticipated** to have a minimal impact on the resource **or facilities** and on the use of ~~the lands~~ **state-owned land** by others.

~~(n) To~~ **(o) Use** a loudspeaker, public address system, or sound-amplifying equipment of any kind, except for an electronic game-calling device that is lawfully used while hunting, or to operate a motor,

motorboat, motor vehicle, radio, television, generator, or any other device in a manner that produces excessive noise.

~~(p)~~ **(p)** ~~To~~ Use or operate any wheeled, motorized vehicle, **except a PAMD, on state-owned land** in the Upper Peninsula of this state, except on a designated route, a designated trail, a designated area, or a forest road not otherwise posted as closed to the use of motorized vehicles or entry.

~~(q)~~ **(q)** ~~To~~ Use or operate any wheeled, motorized vehicle, **except a PAMD, on state-owned land** in the Lower Peninsula of this state, except on a designated route, a designated trail, or a designated area. A wheeled, motorized vehicle that is properly registered under 1949 PA 300, MCL 257.1 **to 257.923**~~et seq.~~, may be operated on a forest road not otherwise posted as closed to the use of motorized vehicles ~~or entry~~.

~~(r)~~ **(r)** ~~To~~ Camp in a state park, recreation area, public access site, or designated campground on other than a designated site.

~~(s)~~ **(s)** ~~To~~ Camp in ~~any~~ a designated campground, ~~access site~~, or location in a state forest or state game area for more than 15 consecutive nights, **except as provided in R 299.922(t), in a calendar year or to use as a permanent or semi-permanent residence**. To be considered a new camp, the location shall be not less than ~~1/2~~ **1** mile from the previous camp.

(t) Disperse camp for more than 21 days between October 1 and May 1. To be considered a new camp, the location shall be not less than 1 mile from the previous camp.

(u) Camp within the native vegetation buffer of any designated natural river, as specified in the department's designated natural river management plan.

~~(v)~~ **(v)** ~~To~~ Leave a campsite unoccupied for more than a 24-hour period after the camp is established. ~~A campsite is considered to be occupied if at least 1 member of the camping party is in attendance during the nighttime hours.~~

~~(w)~~ **(w)** ~~To~~ Store or leave a watercraft, fish shanty, or other property on state-owned lands for more than 24 hours. This subdivision does not apply to a lawfully occupied designated camping sites or to a ground blinds and tree stands that meets legal requirements.

~~(x)~~ **(x)** ~~For more than 1 single family or more than 4 unrelated persons to~~ Camp on 1 designated campsite **by more than 6 individuals**.

(y) For all individuals in a camp to be under 18 years of age.

(z) For an individual under 18 years of age to register for a campsite. ~~For the purposes of this subdivision, a single family includes parents or guardians and their children. A single family may include other relatives if not more than 1 recreational vehicle, camping trailer, or pickup camper is used and if there are fewer than 9 individuals.~~

(aa) Camp with more than 1 tent-type camper or 1 enclosed self-contained camping unit on 1 designated campsite.

~~(bb)~~ **(bb)** ~~To~~ Ride or lead a horse, ~~pack animal~~, or other riding **pack and saddle** animal, or any animal-driven vehicle on any area, except on roads that are open to the use of motor vehicles, trails, bridle paths, and campgrounds designated for such use by the department and on state-owned forest lands not posted closed to such use or entry.

~~(cc)~~ **(cc)** ~~To~~ Operate the motor ~~or motors~~ of a vessel at more than idle speed at any boat launch ramp administered by the department, unless the propeller is disengaged.

~~(dd)~~ **(dd)** ~~To~~ Use ~~such areas~~ **state-owned land** for a commercial operations unless the commercial operations ~~are~~ **is** conducted pursuant to a permit **issued by the department**. The department may waive the requirement for a permit for a commercial operations ~~where~~ **if** the department determines that the commercial operation will not require department oversight and the commercial operation ~~will~~ **is** **anticipated to** have a minimal impact on the resource **or facilities** and the use of **state-owned** lands by others.

- (ee) Use or ignite fireworks.
- (ff) Camp in a designated parking area, except if posted to allow camping.
- (gg) Drag a state forest road with a spring-toothed drag or any other device that may cause harm to the roadbed.
- (hh) Remove from state-owned land more than the aggregate total weight of 25 pounds, per individual per year of any rock, mineral specimen (exclusive of any gold bearing material), or invertebrate fossil for individual or non-commercial hobby use.
- (ii) Knowingly cause any noise that may disturb another during quiet hours.
- (jj) Target shoot at any object other than paper, cardboard, clay, or a commercially or privately produced target designed and manufactured for the specific purpose of target shooting.
- (kk) Target shoot at an explosive or incendiary target.

R 299.923 Public access sites and harbors; unlawful acts.

Rule 23. In addition to the unlawful acts specified in R 299.922, at state-owned public access sites and harbors, it is unlawful ~~for a person or persons~~ to do any of the following:

- (a) ~~To~~ Moor or raft off a state dock without having paid the docking fees authorized by the department ~~for use of the facility~~.
- (b) ~~To~~ Enter, use, or occupy ~~the premises~~ during the hours of 11 ~~pm~~ **p.m.** to 4 ~~am~~ **a.m.** daily where such closing hours are posted on the premises; or to swim, wade, or bathe ~~when~~ **where** specifically prohibited by notices posted on the premises.
- (c) **Block use of a public access site with a vessel, trailer, or vehicle, except while launching or retrieving a vessel.**
- (d) **Camp in a public access site, except on a designated campsite.**
- (e) **Build a fire except in a stove or grill provided by the department.**

R 299.924 State-owned lands other than parks, recreation areas, game and wildlife areas, designated campgrounds and access sites; unlawful acts.

Rule 24. In addition to the unlawful acts specified in R 299.922, on state-owned lands ~~owned or~~ under the control of the department other than state parks, recreation areas, game and wildlife areas, designated campgrounds, and public access sites, it is unlawful ~~for a person or persons~~ to do ~~either any~~ of the following:

- (a) ~~To~~ Park any wheeled, motorized vehicle more than 50 feet from the traveled portion of a road, forest road, parking lot, or trail open to such vehicle use.
- (b) ~~To~~ Use, operate, or possess a **wheeled**, motorized vehicle, **except a PAMD**, on a designated state forest pathway.
- (c) **Possess a dog or other animal, except if it is under immediate control on a leash not more than 6 feet in length in a designated day use area.**
- (d) **Use, operate, or possess a wheeled, motorized vehicle, except for a PAMD, on a designated state forest pathway.**

R 299.925 ~~Designated campgrounds; unlawful acts~~**Rescinded.**

~~Rule 25. In addition to the unlawful acts specified in R 299.922, in designated department of natural resources administered campgrounds, other than those in state parks, recreation areas, and access sites, it is unlawful for a person or persons to do any of the following:~~

- ~~(a) To camp or place a camp of any type in a designated campground without first properly filling out the camp registration tag, which includes the payment of the posted camping fee, as directed on the camp registration tag. The camp registration tag is not considered properly filled out until the~~

~~registration and fees are deposited in a receptacle as directed and the proper portion of the tag is posted at the campsite. The tag shall be furnished by the department and be available at the campground.~~

~~–(b) For an unregistered camper or campground visitor to enter or remain in a campground, day use area, beach, or parking lot between 10 pm and 8 am.~~

~~–(c) To discharge firearms, air guns, bow and arrow, crossbow, gas guns, spring-loaded guns, or sling shots.~~

~~–(d) To operate an ORV, snowmobile, or any motorized device, except for entrance to and departure from a designated campground.~~

~~–(e) To allow, place, or drive more than 2 motor vehicles onto 1 campsite or into a campground, except that 4 motorcycles are permitted if each is operated by a registered camper.~~

~~–(f) To build fires, except in designated places or except in stoves or grills that are approved by an authorized representative of the department.~~

~~–(g) To possess a dog or other animal, unless it is under immediate control on a leash that is not more than 6 feet in length.~~

R 299.926 Game **and wildlife areas**; unlawful acts.

Rule 26. In addition to the unlawful acts specified in R 299.922, on state-owned land in a state game **or wildlife** area, it is unlawful ~~for a person or persons~~ to do any of the following:

(a) ~~To~~ Camp between May 15 and September 10, except in areas specifically designated for camping.

(b) ~~To~~ Park any wheeled, motorized vehicle more than ~~20~~ **50** feet from the traveled portion of a road, forest road, parking lot, or trail open to wheeled, motorized vehicle use.

(c) ~~To~~ Operate any **wheeled** self-propelled ~~motor or mechanically driven~~ **or motorized** vehicle, **except a PAMD**, including a snowmobiles and bicycles, on other than a designated ~~established~~ road open to the public, a trail, **parking lot**, or area properly signed by the department as being open to such use, ~~or a parking lot.~~

R 299.927 State parks and recreation areas; unlawful acts.

Rule 27. In addition to the unlawful acts specified in R 299.922, in state parks, ~~and state~~ recreation areas, **forest campgrounds, and pathway trailheads**, it is unlawful ~~for a person or persons~~ to do any of the following:

(a) ~~To~~ Enter or remain in a campground, outdoor center, cabin area, or day campsite between the hours of 10 ~~pm~~ **p.m.** and 8 ~~am~~ **a.m.**, unless the ~~person~~ **individual** is a lawfully registered occupant. ~~A person~~ **An individual** shall not enter or remain in a day-use area between the hours of 10 ~~pm~~ **p.m.** and 8 ~~am~~ **a.m.**, **except as posted otherwise.**

(b) ~~To carry or have in his or her possession a firearm, unless unloaded in both barrel and magazine; to shoot~~ **Discharge** an air gun, gas gun, spring-loaded gun, or slingshot; or to ~~shoot~~ **discharge with** a bow and arrow or crossbow, except **if licensed to take game** during established hunting seasons on **state-owned** lands designated open to hunting under the authority of ~~an order issued under sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a~~ **the department**. This subdivision does not apply to a ~~target range or archery~~ **shooting range** ~~officially established~~ **designated** by the department or to ~~an~~ **a** ~~officially sanctioned~~ **starting gun for a** field trial. ~~A person~~ **An individual** shall not engage in target shooting, except on **a** designated shooting ranges.

(c) ~~To~~ Obtain a camping permit for use by a camping party of which the ~~person~~ **individual** is not a member.

(d) ~~To~~ Camp for more than 15 consecutive nights in any separately administered campground in a park or recreation area between May 15 and September 15. If a camping party is required to leave a

campground upon reaching the 15-night limit, ~~then~~ the party is not eligible to return until 5 nights have elapsed.

(e) ~~To~~ Use a campground for a permanent or semipermanent residence.

(f) ~~To~~ Ride a bicycle of any kind, except on ~~paved and nonpaved~~ **a pathway**, roads, parking lots, ~~and~~ **or a designated, signed bicycle trails.**

(g) ~~To allow, place, or drive~~ **Park** more than 2 motor vehicles ~~onto on 1 campsite or into in a~~ campground, except that ~~4 motorcycles are permitted if each is operated by a registered camper.~~ **2 motorcycles may be substituted for each motor vehicle if each is operated by a registered camper.**

(h) ~~To~~ Build a fires, except in a designated places, ~~or except in stoves,~~ **fire ring** or grills ~~approved by an authorized representative of the department.~~

(i) ~~To walk into, or drive a vehicle into or through,~~ **Enter a controlled camping area campground, if not a registered camper, unless with permission from a park manager or designee.** This ~~provision~~ **subdivision** does not apply to ~~registered campers and their vehicles or to persons legitimately an~~ **individual** visiting a ~~specific,~~ registered camper.

(j) ~~To~~ Allow a dog or other animal within a **state-owned** water or land area ~~as designated by park manager or designee as a bathing beach or in any other water area used for swimming or wading;~~ **or to bring a dog or other animal, except leader dogs a service animal for the blind, visually, or physically impaired, or other animal into an enclosed park building or to leave a dog or other animal unattended at any time; or to permit a dog or other animal to run loose or create a disturbance unless the dog is being used in hunting, or in a field trials, or while being trained, when upon on state-owned lands open to such uses; or to fail to properly control a dog or other animal. Any dog or other animal found not in the possession of; or under the immediate control of; its owner or the owner's agent, or any dog or other animal creating a nuisance or disturbance, may be removed from the park, recreation area, or state forest campground by the department.**

(k) ~~To~~ Possess a dog or other animal unless it is under immediate control on a leash ~~that is not more than 6 feet in length. This provision~~ **subdivision** does not apply to a dog being used for hunting, or in field trials, or while being trained, when upon **state-owned** lands open to such uses, **or within a designated leash-free area.**

(l) ~~To~~ Ride or allow a horse or other ~~riding~~ **pack and saddle** animal in any area, except for a designated ~~bridle~~ **equestrian** trail or ~~horseperson's~~ **equestrian** campground, or when in compliance with a permit issued for a field dog trial.

(m) ~~To~~ Camp without a camping permit issued by ~~an authorized representative of the department of natural resources.~~

(n) Conduct scientific research without written authorization from the department.

(o) Camp or place a camp of any type in a designated forest campground without first completing the camp registration tag, depositing the payment of the posted camping fee in the receptacle provided, and posting the camp registration tag at the campsite. The camp registration tag shall be furnished by the department and be available at the campground.

(p) Operate an ORV in a designated campground, except for entrance to and departure from a designated ORV campground or by order of the department.

(q) Use, operate, or possess a wheeled, motorized vehicle, except for a PAMD, on a designated state forest pathway.

R 299.928 Rose lake wildlife area; unlawful use of skis; area defined.

Rule 28. ~~(+)~~ **(a)** In addition to the unlawful acts specified in R 299.922 and R 299.926, on the rose lake wildlife area, it is unlawful ~~for a person~~ to use skis from November 1 through January 1.

~~(2)~~ **(b)** For the purpose of this rule, "rose lake wildlife area" means the state-owned lands and waters in sections 13, 14, 21, 22, 23, 24, 25, 26, 27, and 34 of T5N, R1W, **Clinton county**, and sections 17, 20, 21, 22, 28, and 29 of T5N, R1E, **Shiawassee county**.

R 299.929 Violation of rules; ~~revocation of permit or eviction~~ **eviction**.

Rule 29. In addition to any other penalty prescribed by law, violation of any of these rules may result in ~~the revocation of a camping permit or~~ eviction from the state park, recreation area, access site, game **or wildlife** area, ~~or~~ designated campground, or ~~both~~ **state-owned land for not less than 48 hours, or as defined by court order**.

R 299.930 ~~Persons~~ **Individuals** exempt from rules.

Rule 30. Department employees acting in the line of duty, ~~and persons performing specific acts or conducting activity authorized by written permission~~ are exempt from these rules.

R 299.931 Enforcement authority; ~~state park officer~~; state park and recreation officer.

Rule 31. A ~~state park officer and a~~ state park and recreation officer may enforce any of the following acts or parts of acts:

(a) ~~Sections 255, 311, 624a, 624b, 674, 904, and 904a of 1949 PA 300, MCL 257.255, 257.311, 257.624a, 257.624b, 257.649, 257.658, 257.674, 257.710e, 257.904, and 257.904a.~~

(b) ~~Section 703 of 1998 PA 58, MCL 436.1703.~~

(c) ~~Chapter 48 of 1931 PA 328, 750.335 to 750.347 and 750.335a.~~

(d) ~~Chapter 52 of 1931 PA 328, MCL 750.356, to 750.356a, 750.356d, 750.359, 750.362, 750.362a, 750.363, 750.367, and 750.367c.~~

(e) ~~Section 377a of 1931 PA 328, MCL 750.377Aa.~~

(f) ~~Sections 7403 and 7404 of 1978 PA 368, MCL 333.7403 and 333.7404.~~

(g) ~~Section 243a to 243e of 1931 PA 328, MCL 750.243a to 750.243e~~ **2011 PA 256, MCL 28.454, 28.455, 28.462, 28.464, 28.465 and 28.468.**

(h) ~~Part 89 of 1994 PA 451, MCL 324.8901 to 324.8907.~~

(i) ~~Section 167 of 1931 PA 328, MCL 750.167.~~

(j) **1931 PA 328, MCL 750.66.**

(k) **1931 PA 328, MCL 750.50.**

(l) **1998 PA 58, MCL 436.1701.**

(m) **1994 PA 451, MCL 324.80122.**

(n) **1931 PA 328, MCL 750.380.**

(o) **1931 PA 328, MCL 750.382.**

(p) **1931 PA 328, MCL 750.135a.**

(q) **1931 PA 328, MCL 750.145.**

(r) **1931 PA 328, MCL 750.141a.**

R 299.932 Enforcement authority; state forest officer.

Rule 32. A state forest officer may enforce any of the following acts or parts of acts:

(a) ~~Sections 255, 311, 624a, 624b, 674, 904, and 904a of 1949 PA 300, MCL 257.255, 257.311, 257.624a, 257.624b 257.674, 257.904, and 257.904a.~~

(b) ~~Section 703 of 1998 PA 58, MCL 436.1703.~~

(c) ~~Chapter 48 of 1931 PA 328, MCL 750.335 to 750.347~~ **750.338b.**

(d) ~~Chapter 52 of 1931 PA 328, MCL 750.356 to 750.367c.~~

(e) ~~Section 377a of 1931 PA 328, MCL 750.377a.~~

- (f) ~~Sections 7403 and 7404 of 1978 PA 368, MCL 333.7403 and 333.7404.~~
- (g) ~~Section 243a to 243e of 1931 PA 328, MCL 750.243a to 750.243e~~ **2011 PA 256, MCL 28.454, 28.455, 28.462, 28.464, 28.465 and 28.468.**
- (h) ~~Part 89 of 1994 PA 451, MCL 324.8901 to 324.8907.~~
- (i) ~~Section 167 of 1931 PA 451, MCL 750.167.~~
- (j) ~~Part 515 of 1994 PA 451, MCL 324.51501 to 324.51514.~~
- (k) ~~Part 742 of 1994 PA 451, MCL 324.74201 to 324.74207.~~
- (l) ~~Part 811 of 1994 PA 451, MCL 324.81101 to 324.81150.~~
- (m) ~~Part 821 of 1994 PA 451, MCL 324.82101 to 324.82160.~~

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Michigan Department of Natural Resources will hold a public hearing to receive comments on proposed state land use rules promulgated under authority of section 504 of 1994 PA 451, MCL 324.504. Three public hearings will be held at the following locations and dates with an informational session 7:00 p.m. followed by public hearing at 7:30 p.m.:

Tuesday, August 13, 2013	Michigan Historical Center 702 W. Kalamazoo Street, Lansing, MI
Wednesday, August 14, 2013	Northland Sportsmen's Club 1542 Alba Road, Gaylord, MI
Thursday, August 15, 2013	Citizen's Forum Room 401 E. Fair Avenue, Marquette, MI 49855

A copy of the proposed rules (ORR 2010-014 NR) may be accessed from the Michigan Office of Regulatory Reinvention web site at <http://www.michigan.gov/orr> and may also be obtained by contacting Regulatory Affairs Officer, Office of Legal Services, Michigan Department of Natural Resources, PO Box 30028, Lansing, MI 48909, Telephone: 517-241-2328, FAX: 517-241-2986, or klontl@michigan.gov.

This notice of public hearing is given in accordance with Section 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, as amended, [MCL 24.241 and 24.242]. These rules will become effective immediately upon filing with the Secretary of State.

All interested persons are invited to attend and present their views. Statements should be submitted in writing for the hearing record. For those unable to attend, written statements may also be submitted to: Regulatory Affairs Officer, Office of Legal Services, Michigan Department of Natural Resources, PO Box 30028, Lansing, MI 48909, or klontl@michigan.gov. All statements must be received by 5:00 p.m., on August 30, 2013. Persons with disabilities requesting accommodations for effective participation in the meeting should call 517-241-1550, or email to greyc@michigan.gov 7 days prior to the meeting date to request mobility, visual, hearing, or other assistance.

PROPOSED ADMINISTRATIVE RULES

~~FAMILY INDEPENDENCE AGENCY~~

DEPARTMENT OF HUMAN SERVICES

~~DIRECTOR'S OFFICE~~

HOMES FOR THE AGED

Proposed Draft June 6, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the ~~director of the Family Independence Agency~~ **Department of Human Services** by Section 427 of 1965 PA 380, Section 2233 of 1978 PA 368, Executive Reorganization Order Nos. 1996-1, 1996-2 and 2003-18, MCL 16.527, 333.2233, 330.3101, 445.2001 and 445.2011.)

R 325.1932 of the Michigan Administrative Code is amended to read as follows: PART 1.

GENERAL PROVISIONS

R 325.1932 Resident medications.

Rule 32. (1) Medication shall be given, taken, or applied pursuant to labeling instructions or ~~signed~~ orders by the prescribing licensed health care professional.

(2) The giving, taking, or applying of prescription medications shall be supervised by the home in accordance with the resident's service plan.

(3) If a home or the home's administrator or direct care staff member supervises the taking of medication by a resident, then the home shall comply with all of the following provisions:

(a) Be trained in the proper handling and administration of medication.

(b) Complete an individual medication log that contains all of the following information:

(i) The medication.

(ii) The dosage.

(iii) Label instructions for use.

(iv) Time to be administered.

(v) The initials of the person who administered the medication, which shall be entered at the time the medication is given.

(vi) A resident's refusal to accept prescribed medication or procedures.

(c) Record the reason for each administration of medication that is prescribed on an as-needed basis.

(d) Initiate a review process to evaluate a resident's condition if a resident requires the repeated and prolonged use of a medication that is prescribed on an as-needed basis. The review process shall include the resident's prescribing licensed health care professional, the resident's authorized representative, if any, and the agency responsible for the resident's placement, if any.

(e) Adjust or modify a resident's prescription medication with ~~written~~ instructions from a prescribing licensed health care professional who has knowledge of the medical needs of the resident. A home shall record, in writing, any instructions regarding a resident's prescription medication.

(f) Contact the appropriate licensed health care professional if a resident repeatedly refuses prescribed medication or treatment. The home shall follow and record the instructions given.

(g) Upon discovery, contact the resident's licensed health care professional if a medication error occurs. A medication error occurs when a medication has not been given as prescribed.

(4) If a resident requires medication while out of the home, then the home shall assure that the resident, or the person who assumes responsibility for the resident, has all of the appropriate information, medication, and instructions.

(5) A home shall take reasonable precautions to ensure or assure that prescription medication is not used by a person other than the resident for whom the medication is prescribed.

(6) Prescription medication that is no longer required by a resident shall be properly disposed of after consultation with a licensed health care professional or a pharmacist.

NOTICE OF PUBLIC HEARING

DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING
Homes for the Aged Licensing Rules
Rule Set 2012-053 HS

NOTICE OF PUBLIC HEARING

The Department of Human Services will conduct a public hearing to receive public comments on the proposed changes to Homes for Aged Licensing Rule R 325.1932.

July 17, 2013 • 9:30 A.M. – 12:30 P.M.

Lake Superior Room, Michigan Library and Historical Center
702 W. Kalamazoo Street, Lansing MI 48915

Homes for the aged staff administer multiple medications to the residents on a daily basis. The present wording of the rule requires that when a medication prescriber orders a change in the prescribed medication, the home for the aged must obtain the instruction change in writing from the prescriber before the change can be implemented. The proposed modification of rule R 325.1932 would allow the home for the aged to implement administration of a prescribed medication upon the verbal order of the prescriber. Discontinuation of the requirement for written change orders eliminates several steps in the process, reduces risk, and improves quality of care for residents who need immediate changes in their medication administration. Comments on the rule may be made in person at the hearing or by mail, fax or electronic mail until 5 p.m. on July 17, 2013.

This rule is promulgated by authority conferred on the DHS by Section 427 of 1965 PA 380, Section 2233 of 1978 PA 368, Executive Reorganization Order Nos. 1996-1, 1996-2 and 2003-18, MCL 16.527, 333.2233, 330.3101, 445.2001 and 445.2011. This rule is proposed to become effective immediately upon filing with the Secretary of State

The rule [Rule 325.1932] is published on the Michigan Government web site at <http://www.michigan.gov/orr> and in the July 1, 2013 issue of the *Michigan Register*. Copies of the draft rule may also be obtained by mail or electronic transmission at the following address:

James S. Sinnamon
Department of Human Services
Bureau of Children and Adult Licensing
P.O. Box 30650
Lansing, MI 48909-8150
Phone: 517-373-8580 FAX: 517-335-6121
E-mail: ManionK@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in an accessible building with handicap parking available. Anyone needing assistance to take part in the hearing can call 517-335-6124 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF ~~COMMUNITY HEALTH~~ LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY – GENERAL RULES

Proposed Draft June 25, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of ~~community health~~ **licensing and regulatory affairs** by sections 16145(3), ~~and 17701~~, **17722(a), 17737, and 17767** of 1978 PA 368, MCL 333.16145(3), ~~and 333.17701 et seq.~~ **333.17722(a), 333.17737, and 333.17767**, and Executive Reorganization Order Nos. 1996-1, 1996-2, ~~and 2003-01~~, **and 2011-4**, ~~being~~ MCL 330.3101, 445.2001, ~~and 445.2011~~, **and 445.2030**)

R 338.488 of the Michigan Administrative Code is rescinded; R 338.471a, R 338.472, R 338.473, R 338.473a, R 338.473d, R 338.474, R 338.474a, R 338.475, R 338.477b, R 338.479, R 338.479a, R 338.479b, R 338.480, R 338.481, R 338.482, R 338.486, R 338.493b, and R 338.497 of the Code are amended and R 338.473b, R 338.477c, R 338.477d, and R 338.477e are added to the Code as follows:

PART 1. GENERAL PROVISIONS

R 338.471a Definitions.

Rule 1a. As used in these rules:

(a) "Accredited college or school of pharmacy" means a college or school of pharmacy that is accredited by the accreditation council for pharmacy education, as provided in R 338.474(1)(a).

(b) "Board" means the board of pharmacy.

(c) "Code" means 1978 PA 368, MCL 333.1101 **to 333.25211**.

(d) "Department" means the department of ~~community health~~ **licensing and regulatory affairs**.

(e) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. An electronic signature also is a unique identifier protected by appropriate security measures such that it is only available for use by the intended individual and ensures non-repudiation so that the signature may not be rejected based on its validity.

(f) **"Manual signature" means a signature that is handwritten, stamped, or computer generated.**

(g) **"Program of practical pharmacy experience" means professional and clinical instruction in, but not limited to, all of the following areas:**

(i) Pharmacy administration and management.

(ii) Drug distribution, use, and control.

(iii) Legal requirements.

(iv) Providing health information services and advising patients.

(v) Pharmacist's ethical and professional responsibilities.

(vi) Drug and product information.

~~⊕~~ **(h)** "Unconventional internship" means an educational program of professional and practical experience involving those pharmacy or related pharmaceutical experiences which, by practical, on-the-job training, provide knowledge useful to the practice of the profession of pharmacy without meeting all of the criteria of a conventional internship.

R 338.472 Prescription drugs and devices; return or exchange for resale prohibited.

Rule 2. (1) For the protection of the public health and safety, prescription drugs or devices which have been dispensed and which have left the control of the pharmacist shall not be returned or exchanged for resale.

(2) Subrule (1) of this rule does not apply to a pharmacy operated by the department of corrections or under contract with the department of corrections or a county jail that has accepted a prescription drug for resale or redispensing, as provided under section 17766d of the code.

(3) Subrule (1) of this rule does not apply to a pharmacy or charitable clinic that participates in the unused prescription drug repository and distribution program, as provided under section 17775 of the code.

R 338.473 Intern licensure; eligibility; ~~renewal~~; limitations.

Rule 3. (1) An applicant for a pharmacy intern license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant thereto, an applicant shall establish that he or she is admitted to and actively enrolled in a professional program of study within an accredited college or school of pharmacy, as provided in R 338.474(1)(a).

(2) An intern shall engage in the practice of pharmacy only under the supervision of a pharmacist preceptor as defined in section 17708(1) of the code and only under the personal charge of a pharmacist.

R 338.473a Interns; eligibility; limited license; qualifications; supervision; notice of position change; duties; professional and practical experience; denial, suspension, or revocation of license.

Rule 3a. (1) An individual is eligible for intern licensure at the beginning of the first professional year of study in an accredited college or school of pharmacy.

(2) Upon application and payment of appropriate fees, a limited license shall be issued by the department to qualified applicants. ~~The limited license shall remain active while the applicant is actively pursuing a degree in an accredited college or school of pharmacy and until licensure as a pharmacist or for not more than 1 year from the date of graduation from such college or school of pharmacy, unless extended by the board upon written request of the intern.~~

(3) The limited license shall be renewed annually up to a maximum of 5 times and shall remain active while the applicant is actively pursuing a degree in an accredited college or school of pharmacy and until the applicant is licensed as a pharmacist, or for not more than 1 year from the date of graduation from the pharmacy program, unless extended by the board upon written request of the intern.

(4) An intern shall annually submit verification to the department that he or she is admitted to and actively enrolled in a professional program of study within an accredited college or school of pharmacy, as provided in R 338.474(1)(a).

~~⊕~~ **(5)** An intern shall complete not less than ~~1,000~~ **1,740** hours of internship experience. ~~, 500 hours of which shall be completed during the 18 months immediately preceding the examination for~~

~~pharmacist licensure.~~ An intern working in ~~Michigan~~ **this state** shall hold an intern license in order to earn the hours of internship experience required in ~~Michigan~~ **this state**. The minimum number of hours of internship experience may be satisfied by complying with any of the following provisions:

(a) Obtaining the minimum number of hours of experience under the personal charge of a qualified, approved preceptor.

(b) Completing a ~~board-approved~~, structured practical experience program within the college or school of pharmacy curriculum.

(c) Through a combination of subdivisions (a) and (b) of this subrule.

~~(4)~~ **(6)** When eligible, a student shall apply for licensure as an intern.

~~(5)~~ **(7)** Hours of internship experience shall be computed from the date of board certification as a licensed intern. In computing the hours of internship experience, all of the following provisions shall apply:

(a) Experience shall be granted only upon verification by an approved pharmacy preceptor or other person previously approved by the board.

(b) The board may grant internship experience gained in unconventional internship programs. Up to 400 hours of internship experience may be granted for such unconventional education experiences.

(c) A maximum of 40 hours of internship experience shall be granted per calendar week served by the intern.

(d) A maximum of 16 hours of non-college-sponsored internship experience shall be granted per calendar week while the intern is a full-time student in a college or school of pharmacy, except during authorized vacation periods.

(e) The board may grant credit for internship experience obtained through practice as an intern in another jurisdiction if the experience was comparable to the minimum standards ~~set forth~~ in these rules.

(f) The board may accept experience as a licensed pharmacist in another ~~jurisdiction~~ **state or Canada** as the equivalent of internship experience.

~~(6)~~ **(8)** An intern shall be supervised by an approved pharmacist preceptor and shall, at all times, practice only under the personal charge of a pharmacist. The intern shall be responsible for verifying board approval of his or her pharmacy preceptor.

~~(7)~~ **(9)** Within 30 days, an intern ~~also~~ shall notify the board if he or she is no longer actively enrolled in a pharmacy degree program at an accredited college or school of pharmacy.

~~(8)~~ **(10)** Interns shall complete and submit such forms or examinations, or both, as deemed necessary by the board.

~~(9)~~ **(11)** Interns shall receive professional and practical experience in at least all of the following areas:

(a) Pharmacy administration and management.

(b) Drug distribution, use, and control.

(c) Legal requirements.

(d) Providing health information services and advising patients.

(e) Pharmacists' ethical and professional responsibilities.

(f) Drug and product information.

~~(10)~~ **(12)** Interns shall keep abreast of current developments in the internship program and the pharmacy profession.

~~(11)~~ **(13)** The board may deny, suspend, or revoke the license of an intern or may deny hours of internship for failure to comply with pharmacy law or rules relating to pharmacy practice or internship.

R 338.473b Examinations adoption.

Rule 3b. (1) The north American pharmacist licensure examination and the multi-state pharmacy jurisprudence examination that are developed, administered, and scored by the

national association of boards of pharmacy (nabp) shall be the examinations for applicants seeking licensure.

(2) The passing score established by nabp for the north American pharmacist licensure examination and the multi-state pharmacy jurisprudence examination shall be the accepted score for licensure.

R 338.473d Graduates of a non-accredited college or school of pharmacy; requirements; internship.

Rule 3d. (1) An applicant who is a graduate of a non-accredited college or school of pharmacy may be granted an intern license to comply with the requirements of R 338.473a(3)(5) upon making application, payment of appropriate fees, and providing evidence of successful completion of the ~~Fforeign~~ **Ppharmacy Ggraduate Eexamination Ccommittee** certification program administered by the National Association of Boards of Pharmacy, Foreign Pharmacy Graduate Examination Committee, 1600 Feehanville Dr., Mount Prospect, IL 60056.

(2) An intern license issued in accordance with this rule is valid for not more than 2 years from the date of issuance, unless extended by the board upon written request by the intern. The limited license shall be renewed annually up to a maximum of 5 times. The limited license shall remain active while the applicant is actively completing the requirements of R 338.473a(5), and until the applicant is licensed as a pharmacist, unless extended by the board upon written request of the intern.

R 338.474 Pharmacist licensure; eligibility; examination.

Rule 4. (1) An applicant for licensure as a pharmacist shall submit a completed application on a form provided by the department, together with the appropriate fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant thereto, an applicant shall comply with all of the following requirements:

(a) Have completed the requirements for a degree in pharmacy from an accredited college or school of pharmacy education ~~approved by the board~~ or successfully completed the ~~Fforeign Ppharmacy Ggraduate Eexamination Ccommittee~~ certification program administered by the National Association of Boards of Pharmacy, Foreign Pharmacy Graduate Examination Committee, 1600 Feehanville Dr., Mount Prospect, IL 60056. ~~The board adopts by reference the standards and guidelines of the Accreditation Council for Pharmacy Education as set forth in, 20 North Clark St., Suite 2500, Chicago, IL 60602. The standards are set forth in the documents entitled "Standards and Guidelines for Accreditation of Professional Degree Programs in Pharmacy", 8th edition, January 1995; and, the "Accreditation Standards and Guidelines for the Professional Program in Pharmacy Leading to the Doctor of Pharmacy Degree", effective July 1, 2007, are adopted by reference in these rules. adopted June 14, 1997, of the Accreditation Council for Pharmacy Education.~~ Copies of the standards are available at no cost from the Council's website at <http://www.acpe-accredit.org/standards>. Copies of the guidelines also are available for inspection and distribution at cost from the Michigan Board of Pharmacy, Department of Community Health **Licensing and Regulatory Affairs**, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(b) Have completed a program of internship pursuant to these rules.

(c) Pass ~~a the~~ jurisprudence examination, approved by the board, which measures an applicant's knowledge of the rules and regulations governing the practice of pharmacy. ~~with a sealed score of not less than 75.~~

(d) Pass an examination, ~~approved by the board~~ **under R 338.473b**, which measures an applicant's theoretical and practical knowledge of pharmacy. ~~with a sealed score of not less than 75.~~

(2) An applicant who has not achieved a passing score on either of the examinations identified in subrule (1)(c) and (d) of this rule after ~~6~~ **5** attempts may be reexamined only after meeting the requirements ~~set forth~~ in R 338.474a.

(3) In addition to meeting the requirements of subrule (1) of this rule, an applicant's license shall be verified by the licensing agency of another state of the United States in which the applicant holds a current license or ever held a license as a pharmacist. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

R 338.474a Licensure; reexamination.

Rule 4a. **(1)** An applicant may take the examinations required by ~~these rules on 6 separate occasions.~~ **R 338.474(1)(c) and (d) not more than 5 times, except as provided in subrules (2) and (3) of this rule.**

(2) An applicant who has not received a passing score on an examination **that measures his or her theoretical and practical knowledge of pharmacy** after ~~6~~ **5** attempts shall not take the examination a ~~seventh~~ **sixth** or subsequent time, unless the applicant can demonstrate to the board that ~~the applicant~~ **he or she** has complied with all of the following:

(a) ~~Has~~ **Enrolled** as a student in a pharmacy education program approved by the board, ~~if the applicant failed.~~

(b) ~~Has~~ **Taken** courses which would provide a thorough review of those areas failed on the applicant's most recent examination.

(c) ~~Has~~ **Submitted** certification to the board from the pharmacy education institution that the courses have been satisfactorily completed.

(3) An applicant who has not received a passing score on the jurisprudence examination, which measures an applicant's knowledge of the rules and regulations governing the practice of pharmacy, after 5 attempts, shall not take the examination a sixth or subsequent time, unless the applicant can demonstrate to the board that he or she has completed a college course on jurisprudence.

R 338.475 Licensure by endorsement; examination.

Rule 5. **(1)** An applicant for licensure by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and administrative rules promulgated pursuant thereto, an applicant shall satisfy both of the following requirements:

(a) ~~Pass an~~ **the jurisprudence** examination, ~~approved by the board,~~ which measures an applicant's knowledge of the rules and regulations governing the practice of pharmacy. ~~with a scaled score of not less than 75.~~

(b) ~~Satisfy those requirements in existence in this state at the time he or she was licensed in another state.~~ **Establish that the applicant is currently licensed in another state and was initially licensed by examination in another state.**

(2) An applicant who has not received a passing score on the jurisprudence examination after **5** attempts shall not take the examination a sixth or subsequent time, unless the applicant can demonstrate to the board that he or she has completed a college course on jurisprudence.

(3) In addition to meeting the requirements of subrule (1) of this rule, an applicant's license shall be verified by the licensing agency of another state of the United States in which the applicant holds a current license or ever held a license as a pharmacist. This includes, but is not limited to,

showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

R 338.477b Requirements for relicensure; license lapsed for less than 3 years.

Rule 7b. (1) An applicant for relicensure who has had a lapsed license for ~~3 years or less~~ **than 3 years**, under the provisions of section 16201(3) of the code, may be relicensed ~~upon compliance by~~ **complying** with both of the following requirements:

(a) ~~Submission of~~ **Submitting** a completed application on a form provided by the department, together with the requisite fee.

(b) ~~Submission of~~ **Submitting** proof of ~~completion of~~ **having completed** 30 hours of continuing education **in courses and programs, as provided under R 338.3043**, that ~~has been~~ **was** earned within the 2-year period immediately preceding the application for relicensure.

(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant's license shall be verified by the licensing agency of another state of the United States in which the applicant holds a current license or ever held a license as a pharmacist. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

~~(2) An applicant for relicensure who has had a lapsed license for more than 3 years, under the provisions of sections 16201(4) and 17733 of the code shall, in addition to the requirements set forth in subrule (1) of this rule, take and pass the board's jurisprudence examination with a score of not less than 75 and have been licensed and engaged in the practice of pharmacy in another state during the period that the applicant's Michigan license is expired or complete a program of practical pharmacy experience that is not less than 200 hours as follows:~~

~~(a) The individual shall practice under the personal charge of a currently licensed pharmacist.~~

~~(b) The individual shall notify the board, in writing, of the name of the supervising pharmacist and the name and address of the pharmacy before beginning the required practical experience.~~

~~(c) When an applicant has completed the required practical experience, the supervising pharmacist shall provide the board with verification of the applicant's completion of the experience.~~

~~(3) For purposes of subrule (2) of this rule, "completion of a program of practical pharmacy experience" means professional and clinical instruction in at least all of the following areas:~~

~~(a) Pharmacy administration and management.~~

~~(b) Drug distribution, use, and control.~~

~~(c) Legal requirements.~~

~~(d) Providing health information services and advising patients.~~

~~(e) Pharmacist's ethical and professional responsibilities.~~

~~(f) Drug and product information.~~

~~(4) For purposes of complying with the provisions of subrule (2) of this rule, an applicant may be granted a temporary, nonrenewable license to complete the practical experience.~~

R 338.477c Requirements for relicensure; license lapsed for at least 3 years but not more than 8 years.

Rule 7c. (1) An applicant for relicensure who has had a lapsed license for at least 3 years but not more than 8 years, under the provisions of sections 16201(4) and 17733 of the code may be relicensed by complying with all of the following requirements:

(a) Submitting a completed application on a form provided by the department, together with the requisite fee.

(b) Submitting proof of having completed 30 hours of continuing education in courses and programs, as provided under R 338.3043, that was earned within the 2-year period immediately preceding the application for relicensure.

(c) Passing the jurisprudence examination, which measures an applicant's knowledge of the rules and regulations governing the practice of pharmacy.

(d) Completing within 6 months of applying for relicensure a program of practical pharmacy experience, as defined in R 338.471a(g), that is not less than 200 clock hours in length and that complies with both of the following:

(i) Requires an applicant to practice under the personal charge of a currently licensed pharmacist.

(ii) Requires the supervising pharmacist, when an applicant has completed the required practical experience, to provide the board with verification of the applicant's completion of the experience.

(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant's license shall be verified by the licensing agency of another state of the United States in which the applicant holds a current license or ever held a license as a pharmacist. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(3) An applicant who has not received a passing score on the jurisprudence examination after 5 attempts shall not take the examination a sixth or subsequent time, unless the applicant can demonstrate to the board that he or she has completed a college course on jurisprudence.

(4) For purposes of complying with subrule (1)(d) of this rule, an applicant may be granted a temporary, nonrenewable license to complete the practical experience.

R 338.477d Requirements for relicensure; license lapsed for at least 8 years but not more than 16 years.

Rule 7d. (1) An applicant for relicensure who has had a lapsed license for at least 8 years but not more than 16 years, under sections 16201(4) and 17733 of the code, may be relicensed by complying with all of the following requirements:

(a) Submitting a completed application on a form provided by the department, together with the requisite fee.

(b) Submitting proof of having completed 30 hours of continuing education in courses and programs, as provided under R 338.3043, that was earned within the 2-year period immediately preceding the application for relicensure.

(c) Passing the jurisprudence examination, which measures an applicant's knowledge of the rules and regulations governing the practice of pharmacy.

(d) Completing, within 6 months of applying for relicensure a program of practical pharmacy experience, as defined in R 338.471a(g), that is not less than 400 clock hours in length and that complies with both of the following:

(i) Requires an applicant to practice under the personal charge of a currently licensed pharmacist.

(ii) Requires the supervising pharmacist, when an applicant has completed the required practical experience, to provide the board with verification of the applicant's completion of the experience.

(e) Passing an examination under R 338.473b, which measures an applicant's theoretical and practical knowledge of pharmacy.

(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant's license shall be verified by the licensing agency of another state of the United States in which the applicant holds a current license or ever held a license as a pharmacist. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(3) An applicant who has not received a passing score on the jurisprudence examination after 5 attempts shall not take the examination a sixth or subsequent time, unless the applicant can demonstrate to the board that he or she has completed a college course on jurisprudence.

(4) An applicant who has not received a passing score on an examination that measures his or her theoretical and practical knowledge of pharmacy after 5 attempts shall not take the examination a sixth or subsequent time, unless the applicant can demonstrate to the board that he or she has complied with all of the following:

(a) Has enrolled as a student in an accredited pharmacy education program.

(b) Has taken courses which would provide a thorough review of those areas failed on the applicant's most recent examination.

(c) Has submitted certification to the board from the pharmacy education institution that the courses have been satisfactorily completed.

(5) For purposes of complying with subrule (1)(d) of this rule, an applicant may be granted a temporary, nonrenewable license to complete the practical experience.

R 338.477e Requirements for relicensure; license lapsed for 16 or more years.

Rule 7e. (1) An applicant for relicensure who has had a lapsed license for more than 16 years, under the provisions of sections 16201(4) and 17733 of the code, may be relicensed by complying with all of the following requirements:

(a) Submitting a completed application on a form provided by the department, together with the requisite fee.

(b) Submitting proof of having completed 30 hours of continuing education in courses and programs, as provided under R 338.3043, that was earned within the 2-year period immediately preceding the application for relicensure.

(c) Passing the jurisprudence examination, which measures an applicant's knowledge of the rules and regulations governing the practice of pharmacy.

(d) Completing within 12 months of applying for relicensure a program of practical pharmacy experience, as defined in R 338.471a(g), that is not less than 1,000 clock hours in length and that complies with both of the following:

(i) Requires an applicant to practice under the personal charge of a currently licensed pharmacist.

(ii) Requires the supervising pharmacist, when an applicant has completed the required practical experience, to provide the board with verification of the applicant's completion of the experience.

(e) Passing an examination under R 338.473b, which measures an applicant's theoretical and practical knowledge of pharmacy.

(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant's license shall be verified by the licensing agency of another state of the United States in which the applicant holds a current license or ever held a license as a pharmacist. This includes, but is not limited to, showing proof of any disciplinary action taken or pending disciplinary action imposed upon the applicant.

(3) An applicant who has not received a passing score on the jurisprudence examination after 5 attempts shall not take the examination a sixth or subsequent time, unless the applicant can demonstrate to the board that he or she has completed a college course on jurisprudence.

(4) An applicant who has not received a passing score on an examination that measures his or her theoretical and practical knowledge of pharmacy after 5 attempts shall not take the examination a sixth or subsequent time, unless the applicant can demonstrate to the board that he or she has complied with all of the following:

(a) Has enrolled as a student in an accredited pharmacy education program.

(b) Has taken courses which would provide a thorough review of those areas failed on the applicant's most recent examination.

(c) Has submitted certification to the board from the pharmacy education institution that the courses have been satisfactorily completed.

(5) For purposes of complying with the provisions of subrule (1)(d) of this rule, an applicant may be granted a temporary, nonrenewable license to complete the practical experience.

R 338.479 Prescription drug labeling and dispensing.

Rule 9. (1) All labeling of prescription drugs shall comply with the requirements of the code and the federal food, drug, and cosmetic act, 21 U.S.C. §301 et seq.

(2) All containers in which prescription medication is dispensed shall bear a label which contains, at a minimum, all of the following information:

(a) Pharmacy name and address.

(b) Prescription number.

(c) Patient's name.

(d) Date the prescription was most recently dispensed.

(e) Prescriber's name.

(f) Directions for use.

(g) The name of the medication **and the strength**, unless the prescriber indicates "do not label."

(h) The quantity dispensed, if applicable.

(i) The name of the manufacturer or supplier of the drug if the drug has no brand name, unless the prescriber indicates "do not label."

(3) If a drug is dispensed that is not the brand prescribed, the purchaser shall be notified and the prescription label shall indicate both the name of the brand prescribed and the name of the brand dispensed. If the dispensed drug does not have a brand name, the prescription label shall indicate the name of the brand prescribed followed by the generic name of the drug dispensed or the reference "G.Eq.," "generic," or "generic equivalent" in the case of multi-ingredient products. This subrule does not apply if the prescriber indicates "do not label."

(4) If drug product selection takes place, the brand name or the name of the manufacturer or supplier of the drug dispensed shall be noted on the prescription.

(5) This rule does not apply to inpatient medical institution service.

R 338.479a Prescription drug receipts.

Rule 9a. (1) The purchaser of a prescription drug shall receive, at the time the drug is delivered to the purchaser, a receipt which contains all of the following information:

(a) The brand name of the drug dispensed, if applicable, unless the prescriber indicates "do not label."

(b) The name of the manufacturer or supplier of the drug if the drug has no brand name, unless the prescriber indicates "do not label."

(c) The strength of the drug, if significant, unless the prescribed indicates "do not label."

- (d) The quantity dispensed, if applicable.
- (e) The name and address of the pharmacy.
- (f) The serial number of the prescription.
- (g) The date the prescription was most recently dispensed.
- (h) The name of the prescriber.
- (i) The name of the patient for whom the drug was prescribed.
- (j) The price for which the drug was sold to the purchaser.
- (2) Notwithstanding R 338.479, the information mandated in this rule shall appear on either the prescription label or on a combination label and receipt.
- (3) For prescription services that are covered by a third-party pay contract, the price included in the receipt is the amount actually paid by the patient.
- (4) A pharmacist shall retain a copy of the receipt for a period of 90 days. The inclusion of the information required in this rule **in the automated data processing system or** on the written prescription form and the retention of the form constitutes retaining a copy of the receipt. The physical presence of the prescription form in the pharmacy **or the ability to retrieve the information from the automated data processing system** constitutes compliance with the requirement of having the name and address of the pharmacy on the form.
- (5) This rule does not apply to inpatient medical institution service.

R 338.479b Noncontrolled prescriptions.

Rule 9b. (1) A prescriber who issues a prescription for a noncontrolled legend drug shall ~~date and sign~~ the prescription; **provide a manual signature on the prescription, as defined in R 338.471a(f) of these rules;** and shall ensure that the prescription contains all of the following information:

- (a) The full name of the patient for whom the drug is being prescribed.
- (b) The prescriber's printed name and address.
- (c) The drug name and strength.
- (d) The quantity prescribed.
- (e) The directions for use.
- (f) The number of refills authorized.
- (2) A prescriber shall ensure that a prescription is legible and that the information specified in subrule (1)(c) to (f) of this rule is clearly separated.
- (3) A prescriber shall not prescribe more than **either of** the following on a single prescription form as applicable:
 - (a) For a prescription prescribed in handwritten form, up to 4 prescription drug orders.
 - (b) For a prescription prescribed on a computer-generated form or a preprinted list or produced on a personal computer or typewriter, up to 6 prescription drug orders.
- ~~(4) A prescriber shall not add handwritten drugs to a preprinted form and shall clearly designate which drugs are to be dispensed.~~
- ~~—(5) A prescriber shall not prescribe a controlled and noncontrolled substance on the same prescription form.~~
- ~~(6) (4) A prescription is valid for 1 year from the date the prescription was issued.~~
- ~~(7) A prescriber shall clearly indicate the total number of drugs prescribed for each prescription.~~
- ~~(8) (5) A noncontrolled substance prescription may be transmitted electronically from the prescriber to the pharmacy of the patient's choice, and shall occur by utilizing a system that includes the following:~~
 - (a) A combination of technical security measures such as, but not limited to, those listed in R 164.312 under Subpart C – Security Standards for the Protection of Electronic Protected Health Information of

45 CFR Part 164 that implements the federal ~~H~~health ~~I~~nsurance ~~P~~ortability and ~~A~~ccountability ~~A~~ct of 1996, to ensure all of the following:

- (i) Authentication of an individual who prescribes or dispenses.
 - (ii) Technical non-repudiation.
 - (iii) Content integrity.
 - (iv) Confidentiality.
- (b) An electronic signature as defined in R 338.471a(e). An electronic signature is valid ~~only~~ when it is used to sign a **noncontrolled** prescription. ~~that is transmitted electronically from a prescriber to a pharmacy.~~
- (c) Appropriate security measures to invalidate a prescription if either the electronic signature or prescription record to which it is attached or logically associated is altered or compromised following transmission by the prescriber. The electronic prescription may be reformatted to comply with industry standards provided that no data is added, deleted, or changed.
- ~~(9)~~ **(6)** The electronic prescription shall meet any other requirements of the federal ~~H~~health ~~I~~nsurance ~~P~~ortability and ~~A~~ccountability ~~A~~ct.
- ~~(10)~~ **(7)** The electronic prescription shall permit the prescriber to instruct the pharmacist to dispense a brand name drug product provided that the prescription includes both of the following:
- (i) The indication that no substitute is allowed, such as “dispense as written” or “DAW”.
 - (ii) The indication that no substitute is allowed and that it is a unique element in the prescription.
- ~~(11)~~ **(8)** If the prescription is transmitted electronically, the prescriber shall generate and transmit the prescription in a format that can be read and stored by a pharmacy in a retrievable and readable form. The electronic prescription shall identify the name of the pharmacy intended to receive the transmission, and shall include the information identified in subrule (1) of this rule.
- ~~(12)~~ **(9)** The electronic prescription shall be preserved by a licensee or dispensing prescriber for not less than 5 years. A paper version of the electronic prescription shall be made available to an authorized agent of the board upon request. A secured copy shall be retained for a minimum of 1 year by the transaction service vendor for record-keeping purposes and shall be shared only with the parties involved in the transaction except as otherwise permitted by state or federal law.
- ~~(13)~~ **(10)** An electronic signature that meets the requirements of this rule shall have the full force and effect of a handwritten signature on a paper-based written prescription.
- (11) A pharmacy shall keep the original prescription record for 5 years. After 3 years, a pharmacy may make an electronic duplicate of the original paper prescription, which shall become the original prescription. A pharmacy shall present a paper copy of the electronic duplicate of the prescription to an authorized agent of the board upon request.**
- ~~(14)~~ **(12)** This rule does not apply to inpatient medical institutions.

R 338.480 Prescription records; nonapplicability to inpatient medical institution service.

Rule 10. (1) A prescription shall be numbered, dated, and initialed **or electronically initialed** by the ~~dispensing~~ pharmacist **who performs the final verification** at the time of the first filling at the pharmacy.

(2) If the drug that is dispensed is other than the brand prescribed or if the prescription is written generically, the name of the manufacturer or supplier of the drug dispensed shall be indicated on the prescription.

(3) This rule does not apply to inpatient medical institution service.

R 338.481 Professional and technical equipment and supplies.

Rule 11. (1) A pharmacy shall be equipped with necessary drawers, shelves, storage cabinets, and prescription files. A sink that has hot and cold running water and a refrigerator of reasonable capacity shall be in the pharmacy department.

(2) A pharmacy shall have current editions or revisions of the Michigan pharmacy laws and rules and not less than 2 current or revised pharmacy reference texts that pertain to pharmacology, drug interactions, or drug composition. A current electronic medium version of **the pharmacy laws, rules, and pharmacy** reference texts, **including accessible internet versions**, meets the requirements of this subrule.

(3) A pharmacy shall have the necessary ~~technical~~ equipment to ~~compound and~~ dispense prescription drugs.

R 338.482 Housing of pharmacy.

Rule 12. (1) All professional and technical equipment and supplies and prescription drugs shall be housed in a suitable, well-lighted and well-ventilated room or department with clean and sanitary surroundings.

(2) All pharmacies shall have a prescription department which is devoted primarily to the ~~compounding of prescriptions and the manufacture of pharmaceutical preparations~~ **practice of pharmacy** which occupies not less than 150 square feet of space, and which includes a prescription counter that provides not less than 10 square feet of free working surface. ~~If more than 1 pharmacist~~ **For each additional pharmacist who** is on duty at any one time, the free working space shall be increased by not less than 4 square feet. ~~for each additional pharmacist.~~ The prescription counter shall be kept clean and orderly. The space behind the prescription counter shall be sufficient to allow free movement within the area and shall be free of obstructions.

(3) All pharmacies that occupy less than the entire area of the premises owned, leased, used, or controlled by the licensee shall be permanently enclosed by partitions from the floor to the ceiling. All partitions shall be of substantial construction and shall be securely lockable so that drugs and devices that can only be sold by a pharmacist are unobtainable during the absence of the pharmacist. Identification of this department by the use of the words "drug," "medicines," or "pharmacy" or by the use of a similar term or combination of terms, **as defined in MCL 333.17711(2)**, shall be restricted to the area that is registered by the board. The pharmacy department shall be locked when the pharmacist is not ~~in the establishment~~ **on the premises**.

R 338.486 "Medical institution" and "pharmacy services" defined; pharmacy services in medical institutions.

Rule 16. (1) As used in this rule:

(a) "Medical institution" means a hospital, skilled nursing facility, county medical care facility, nursing home, or other health facility which is licensed or approved by the state and which directly or indirectly provides or includes pharmacy services.

(b) "Pharmacy services" means the direct and indirect patient care services associated with the practice of pharmacy.

(2) Pharmacy services shall be directed and provided by a licensed pharmacist.

(3) Pharmacy personnel who assist the pharmacist by performing delegated functions in the care of inpatients shall be supervised by a pharmacist who is on the premises of the medical institution.

(4) The pharmacist who directs the pharmacy services shall develop, implement, supervise, and coordinate all of the services provided, including, at a minimum, all of the following:

(a) Dispensing medications in a form that minimizes additional preparation before administration to the patient, including the admixture of parenterals.

- (b) Obtaining the prescriber's original medication order, a direct carbonized copy, an electromechanical facsimile, or other electronic order transmission. Security measures shall be in place to ensure that system access by unauthorized individuals is not allowed.
 - (c) Interpreting and reviewing the prescriber's medication orders and communicating problems with these orders to the physician or nurse before administration of first doses. If the interpretation and review will cause a medically unacceptable delay, then a limited number of medications may be stocked at the patient care areas for the administration of first doses. These medications shall be provided in a manner that ensures security and immediate availability, such as sealed or secured medication kits, carts, or treatment trays. A pharmacist shall routinely inspect the medications and, after use, shall verify the contents and replace the medications as necessary.
 - (d) Monitoring medication therapy to promote positive patient outcomes while evaluating clinically significant chemical and therapeutic incompatibilities.
 - (e) Establishing the specifications for the procurement of all pharmaceuticals and related biologicals and chemicals approved for use in the medical institution.
 - (f) ~~Periodically~~ **Not less than once every 6 months**, inspecting all areas in the medical institution where medications are stored to verify compliance with the standards for the safe use and storage of the medications.
 - (g) Maintaining proper security for all medications stored or kept within the medical institution.
 - (h) Providing educational programs regarding medications and their safe use.
 - (i) Providing a method by which medications can be obtained during the absence of a pharmacist in a medical institution where a pharmacist is not available 24 hours a day. The method shall minimize the potential for medication error. During the absence of a pharmacist, the services of a pharmacist shall be available on an on-call basis. Only a limited number of medications that are packaged in units of use shall be available. The medications shall be approved and reviewed periodically as deemed necessary, but not less than once a year, by an appropriate interdisciplinary practitioner committee of the medical institution. The medication shall be kept in a securely locked, substantially constructed cabinet or its equivalent in an area of limited access in a centralized area outside the pharmacy. Each medication shall be labeled to include the name of the medication, the strength, the expiration date, if dated, and the lot number. A written order and a proof of removal and use document shall be obtained for each medication unit removed. The order and document shall be reviewed by the pharmacist within 48 hours of removing medication from the cabinet or its equivalent. The pharmacist who directs pharmacy services in the medical institution shall designate the practitioners who are permitted to remove the medication. A pharmacist shall audit the storage locations as often as needed to guarantee control, but not less than once every 30 days.
- (5) Upon recommendation of an interdisciplinary practitioners committee, the pharmacist who directs pharmacy services in the medical institution shall adopt written policies and procedures to promote safe medication practices, to conduct medication utilization review, to approve medications for the medical institution's formulary or medication list, and to promote positive patient outcomes. A pharmacist shall meet with the committee at least quarterly to conduct assigned responsibilities.
- (6) A pharmacy shall ensure that every medication dispensed is identified with its name and strength labeled on the container in which it is dispensed or on each single unit package. A pharmacy that is engaged in drug distribution to medical institutions which use unit-of-use packaging shall place identification on the label of its package to allow the package to be readily traced. The name of the patient, ~~and or a unique identifier, any identifying number~~ shall be labeled on the medication container. The container may be the individual patients' assigned medication drawer. The directions for use shall be on the label of the container if the directions are not communicated in another effective manner. If the medication is to be self-administered, then directions for use shall be on the container.

The preceding provisions of this subrule are minimum labeling standards only and do not supersede other applicable laws or rules.

(7) A pharmacist shall personally supervise the destruction of unused portions of prescription medication, other than controlled substances under part 71 of the code, dispensed to patients. However, medications in single-unit packages and intravenous solutions which are designed to be tamper-evident and which show no evidence that tampering has occurred may be returned to stock. Medications that leave the medical institution or its legal affiliates may not be returned to stock for redispensing.

(8) The licensed pharmacist who directs pharmacy services in the medical institution shall make the policies, procedures, and written reports required by this rule available to the board of pharmacy, upon request.

R 338.488 ~~Standard clinical thermometers.~~ Rescinded.

~~Rule 18. (1) In addition to meeting the standards approved by the board in subrule (2) of this rule, standard clinical thermometers shall be in compliance in all respects with standards set forth in section 469 of Act No. 328 of the Public Acts of 1931, as amended, being §750.469 of the Michigan Compiled Laws.~~

~~(2) The board approves and adopts by reference the standards for manufacturing clinical thermometers approved by the American society for testing and materials on August 29, 1986, and issued under the designation "E 667-86." Copies of the standards may be obtained, at no cost, from either the Board of Pharmacy, P.O. Box 30018, Lansing, Michigan 48909, or the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.~~

~~(3) To obtain certification, a manufacturer shall submit a completed application, on a form provided by the department, together with the requisite fee and 2 representative samples of each type or kind of thermometer which the manufacturer desires to offer for sale in Michigan. The manufacturer shall submit additional representative samples if requested by the board. If the board finds that the samples comply with the requirements of this rule, the board shall certify the thermometers for sale in Michigan and the department shall issue a certification to the manufacturer.~~

~~(4) Upon request, a manufacturer shall provide a signed guarantee that the standard clinical thermometers offered for sale in Michigan were certified by the manufacturer to comply with subsection 469(2) of Act No. 328 of the Public Acts of 1931, as amended, being §750.469(2) of the Michigan Compiled Laws, and this rule. A manufacturer that is issued a certification by the board shall package each standard clinical thermometer in a container that prominently displays a notification that the thermometer meets the manufacturing standards approved by the board. The notification shall be printed either on the package or the package insert.~~

R 338.493b Manufacturing practice; adoption by reference of standards.

Rule 23b. (1) A manufacturer shall maintain the building, operate the equipment, and administer the controls, records, and methods used for, and in connection with, the manufacturing, processing, packing, labeling, holding, and distributing of all prescription drugs in conformity with current good manufacturing practice pursuant to the criteria set forth in the provisions of 21 C.F.R. §§211.1 to 211.208, (April 1, 1979). The criteria set forth in the provisions of 21 C.F.R. §§211.1 to 211.208 are adopted in these rules by reference. Copies of the adopted material are available from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, at a cost as of the time of adoption of these amendatory rules of \$4.00 or from the Board of Pharmacy, Department of Commerce **Licensing and Regulatory Affairs**, P.O. Box 30018, Lansing, Michigan 48909, at a cost as of the time of adoption of these amendatory rules of \$4.00.

(2) A manufacturer shall comply with applicable federal, state, and local laws and regulations and permit representatives of the board and other authorized federal, state, and local law enforcement officials to enter and inspect their premises and delivery vehicles and audit their records and written operating procedures at reasonable times and in a reasonable manner.

R 338.497 Assessment of fines.

Rule 1. ~~(1)~~ When a fine has been designated as an available sanction for a violation of section 16221 to section 16226 of the code, in the course of assessing a fine, ~~a board~~ **the disciplinary subcommittee** shall take into consideration the following factors without limitation:

(a) The extent to which the licensee obtained financial benefit from any conduct comprising part of the violation found by the ~~board~~ **disciplinary subcommittee**.

(b) The willfulness of the conduct found to be part of the violation determined by the ~~board~~ **disciplinary subcommittee**.

(c) The public harm, actual or potential, caused by the violation found by the ~~board~~ **disciplinary subcommittee**.

(d) The cost incurred in investigating and proceeding against the licensee.

~~(2) A fine shall not exceed the sum of \$5,000.00 for each violation found to have been committed by the licensee.~~

NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING - BOARD OF PHARMACY
TUESDAY, JULY 23, 2013 - 1:30 P.M.**

The Michigan Department of Licensing and Regulatory Affairs will hold a public hearing on Tuesday, July 23, 2013, starting at 1:30 p.m. at the following address:

Ottawa Building - Conference Room UL#3 611 W. Ottawa Street - Lansing, Michigan

The public hearing is being held to receive comments on the following proposed rules:

- **General Rules** (ORR #2012-095): Proposed amendments will affect rules for intern eligibility, examination information, limited licenses, licensure eligibility, relicensure requirements, prescription drug receipts, records, labeling, housing, etc.
- **Controlled Substances** (ORR #2012-096): Proposed rules will update the various controlled substance schedules.
- **Animal Euthanasia and Sedation** (ORR #2012-097): New rules will be added to comply with Public Act 451 of 2006.

These rules are being promulgated by the director of the Department of Licensing and Regulatory Affairs by sections 7201, 7216, 7333(8), 16145(2), 16145(3), 17722(a), 17737, and 17767 of 1978 PA 368, being MCL 333.7201, 333.7216, 333.7333(8), 333.16145(2), 333.16145(3), 333.17722(a), 333.17737, and 333.17767, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-01, and 2011-4, being MCL 330.3101, 445.2001, 445.2011, MCL 445.2030. These rules are proposed to take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules.

Comments on the proposed rules may be presented in person at the public hearing. Written comments may be submitted at the time of presentation and will also be accepted until 5:00 p.m. on July 29, 2013, at the following address or e-mail address:

Michigan Department of Licensing and Regulatory Affairs
Bureau of Health Care Services – Board of Pharmacy Rules Public Hearing
PO Box 30670; Lansing, MI 48909-8170
Attention: Norene Lind: E-mail address: lindn@michigan.gov

Copies of the proposed rules may be obtained by sending a request to the e-mail address listed above. Electronic copies may also be obtained at the following link: <http://www7.dleg.state.mi.us/orr/Rules.aspx?type=dept&id=LR>. Simply locate the ORR number associated with the rules above, and click on “Revision Text” to view the draft rules.

All hearings are conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate individuals with disabilities, and accessible parking is available. An individual who requires accommodations in order to participate in a hearing should call Shellayne Grimes at (517) 335-1341 to make the necessary arrangements. To ensure availability of the accommodation, please call at least 1 week in advance of the public hearing.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF ~~COMMUNITY HEALTH~~ LICENSING AND REGULATORY AFFAIRS

DIRECTOR’S OFFICE

PHARMACY – CONTROLLED SUBSTANCES

Proposed Draft June 25, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of ~~community health~~ **licensing and regulatory affairs** by sections 7201, **7216 and 16145(2)** ~~and 17701~~ of 1978 PA 368, MCL 333.7201, **333.7216, and 333.16145(2), and 333.17701 et seq.** and Executive Reorganization Order Nos. 1996-1, 1996-2, and 2003-01, ~~and 2011-4~~, being MCL 330.3101, 445.2001, and 445.2011, **and 445.2030**)

R 338.3112, R 338.3113, R 338.3114, R 338.3114a, R 338.3116, R 338.3117, R 338.3118, R 338.3122, R 338.3123, R 338.3125, R 338.3153, and R 338.3162d of the of the Michigan Administrative Code are amended and R 338.3138, R 338.3139, and R 338.3169 of the Code are rescinded as follows:

PART 2 – SCHEDULES

R 338.3112 Schedule 1; opium derivatives.

Rule 12. Unless specifically excepted, the following opium derivatives, their salts, isomers and salts of isomers, when the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation, are included in schedule 1:

- ~~Acetorphine~~
- ~~Acetyldihydrocodeine~~
- ~~Benzylmorphine~~
- ~~Codeine methylbromide~~
- ~~Codeine N-Oxide~~
- ~~Cyprenorphine~~
- ~~Desomorphine~~
- ~~Dihydromorphine~~
- ~~Drotebanol~~
- ~~Etorphine (except hydrochloride salts)~~
- ~~Heroin~~
- ~~Hydromorphenol~~
- ~~Methyldesorphine~~
- ~~Methyldihydromorphine~~
- ~~Morphine methylbromide~~
- ~~Morphine methylsulfonate~~

~~—Morphine N-Oxide~~
~~—Myrophine~~
~~—Nicocodeine~~
~~—Nicomorphine~~
~~—Normorphine~~
~~—Pholcodine~~
~~—Thebacon~~

Substance	
a	Acetorphine
b	Acetyldihydrocodeine
c	Benzylmorphine
d	Codeine methylbromide
e	Codeine-N-Oxide
f	Cyprenorphine
g	Desomorphine
h	Dihydromorphine
i	Drotebanol
j	Etorphine (except hydrochloride salts)
k	Heroin
l	Hydromorphenol
m	Methyldesorphine
n	Methyldihydromorphine
o	Morphine methylbromide
p	Morphine methylsulfonate
q	Morphine-N-Oxide
r	Myrophine
s	Nicocodeine
t	Nicomorphine
u	Normorphine
v	Pholcodine
w	Thebacon

R 338.3113 Schedule 1; hallucinogenic substances.

Rule 13. Unless specifically excepted, any material, compound, mixture, or preparation **that is not otherwise listed as a controlled substance in this schedule or in schedules II through V, is not approved by the federal food and drug administration as a drug, which and** contains any quantity of the following hallucinogenic substances, ~~or which contains any of its~~ **whether optical, positional, or geometric), homologues (analogs),** and salts of isomers **and homologues (analogs),** whenever the existence of ~~such these~~ **homologues (analogs)** and salts of isomers **and homologues (analogs)** is possible within the specific chemical designation, is included in schedule 1:

- ~~(a) Alpha-ethyltryptamine.~~
~~Some trade or other names:~~
~~(i) etryptamine.~~
~~(ii) monase.~~
~~(iii) a-ethyl-1h-indole-3-ethanamine.~~

- ~~— (iv) — 3-(2-aminobutyl) indole.~~
- ~~— (v) — a-et.~~
- ~~— (vi) — AET.~~
- ~~— (b) — 4-bromo-2,5-dimethoxyamphetamine~~
- ~~— Some trade or other names:~~
- ~~— (i) — 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine.~~
- ~~— (ii) — 4-bromo-2,5-DMA.~~
- ~~— (c) — 2,5-dimethoxyamphetamine.~~
- ~~— Some trade or other names:~~
- ~~— (i) — 2,5-dimethoxy-alpha-methylphenethylamine.~~
- ~~— (ii) — 2,5-DMA.~~
- ~~— (d) — 4-bromo-2,5-dimethoxyphenethylamine.~~
- ~~— Some trade or other names:~~
- ~~— (i) — 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane.~~
- ~~— (ii) — desmethyl DOB.~~
- ~~— (iii) — 2c-b, nexus.~~
- ~~— (e) — 2,5-dimethoxy-4-ethylamphetamine.~~
- ~~— A trade or other name:~~
- ~~— DOET.~~
- ~~— (f) — 4-methoxyamphetamine.~~
- ~~— Some trade or other names:~~
- ~~— (i) — 4-methoxy-alpha-methylphenethylamine.~~
- ~~— (ii) — paramethoxyamphetamine.~~
- ~~— (iii) — PMA.~~
- ~~— (g) — 5-methoxy-3,4-methylenedioxyamphetamine.~~
- ~~— (h) — 4-methyl-2,5-dimethoxyamphetamine.~~
- ~~— Some trade or other names:~~
- ~~— (i) — 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine.~~
- ~~— (ii) — DOM.~~
- ~~— (iii) — STP.~~
- ~~— (i) — 3,4-methylenedioxyamphetamine.~~
- ~~— (j) — 3,4-methylenedioxymethamphetamine(MDMA).~~
- ~~— (k) — 3,4-methylenedioxy-n-ethylamphetamine.~~
- ~~— (l) — N-hydroxy-3,4-methylenedioxyamphetamine.~~
- ~~— (m) — 3,4,5-trimethoxyamphetamine.~~
- ~~— (n) — Bufotenine.~~
- ~~— Some trade or other names:~~
- ~~— (i) — 3-(beta-dimethylaminoethyl)-5-hydroxyindole.~~
- ~~— (ii) — 3-(2-dimethylaminoethyl)-5-indolol.~~
- ~~— (iii) — N,N-dimethyserotonin.~~
- ~~— (iv) — 5-hydroxy-N,N-dimethyltryptamine-mappine.~~
- ~~— (o) — Diethyltryptamine.~~
- ~~— Some trade or other names:~~
- ~~— (i) — N,N-Diethyltryptamine.~~
- ~~— (ii) — DET.~~
- ~~— (p) — Dimethyltryptamine.~~
- ~~— A trade or other name:~~
- ~~— DMT.~~

- (q) ~~Ibogaine.~~
~~Some trade or other names:~~
 —(i) ~~7-Ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido-~~
 —(ii) ~~[1',2':1,2]azepino[5,4-b]indole.~~
 —(iii) ~~tabernanthe iboga.~~
 —(r) ~~Lysergie acid diethylamide.~~
 —(s) ~~Marihuana.~~
 —(t) ~~Mescaline.~~
 —(u) ~~Parahexyl.~~
~~Some trade or other names:~~
 —(i) ~~3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran.~~
 —(ii) ~~synhexyl.~~
 —(v) ~~Peyote.~~
 —(w) ~~N-ethyl-3-piperidyl benzilate.~~
 —(x) ~~N-methyl-3-piperidyl benzilate.~~
 —(y) ~~Psilocybin.~~
 —(z) ~~Psilocyn.~~
 —(aa) ~~Ethylamine analog of phenecyclidine.~~
~~Some trade or other names:~~
 —(i) ~~n-ethyl-1-phenylecyclohexylamine.~~
 —(ii) ~~(1-phenylecyclohexyl) ethylamine.~~
 —(iii) ~~n-(1-phenylecyclohexyl)ethylamine.~~
 —(iv) ~~cyclohexamine.~~
 —(v) ~~PCE.~~
 —(bb) ~~Pyrrolidine analog of phenecyclidine.~~
~~Some trade or other names:~~
 —(i) ~~1-(1-phenylecyclohexyl)-pyrrolidine.~~
 —(ii) ~~PCPy.~~
 —(iii) ~~PHP.~~
 —(cc) ~~Thiophene analog of phenecyclidine.~~
~~Some trade or other names:~~
 —(i) ~~1-[1-(2-thienyl)-cyclohexyl]-piperidine.~~
 —(ii) ~~2-thienyl analog of phenecyclidine.~~
 —(iii) ~~TPCP.~~
 —(iv) ~~TCP.~~
 —(dd) ~~1-(1-(2-thienyl)cyclohexyl)pyrrolidine.~~
~~Another name:~~
 —~~TCPY.~~

For the purpose of this rule only, "isomer" includes the optical, position, and geometric isomers.

Substance		Trade or Other Names
a	1-(1-(2-thienyl)cyclohexyl)pyrrolidine	TCPY
b	2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine	2C-E
c	2-(2,5-Dimethoxy-4-methylphenyl)ethanamine	2C-D
d	2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine	2C-P

e	2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine	2C-N
f	2-(2,5-Dimethoxyphenyl) ethanamine	2C-H
g	2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine	2C-C
h	2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine	2C-T-2
i	2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine	2C-I
j	2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine	2C-T-4
k	2,5-dimethoxy-4-ethylamphetamine	DOET
l	2,5-Dimethoxy-4-(n)-propylthiophenethylamine	2C-T-7
m	2,5-dimethoxyamphetamine	<ul style="list-style-type: none"> • 2,5-dimethoxy-alpha-methylphenethylamine • 2,5-DMA
n	3,4-methylenedioxy-n-ethylamphetamine	
o	3,4-methylenedioxyamphetamine	
p	3,4-methylenedioxymethamphetamine	MDMA
q	3,4,5-trimethoxyamphetamine	
r	4-bromo-2,5-dimethoxyphenethylamine	<ul style="list-style-type: none"> • 2-(4-bromo-2-5-dimethoxyphenyl)-1-aminoethae • desmethyl DOB • 2c-b • nexus
s	4-bromo-2,5-dimethoxyamphetamine	<ul style="list-style-type: none"> • 4-bromo-2,5 dimethoxy-alpha-methylphenethylamine • 4-bromo-2,5-DMA
t	4-methoxyamphetamine	<ul style="list-style-type: none"> • 4-methoxy-alpha-methylphenethylamine • Paramethoxyamphetamine • PMA
u	4-methyl-2,5-dimethoxyamphetamine	<ul style="list-style-type: none"> • 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine • DOM • STP
v	5-methoxy-3,4-methylenedioxyamphetamine	
w	Alpha-ethyltryptamine	<ul style="list-style-type: none"> • etryptamine • monase • a-ethyl- 1h-indole-3-ethanamine

		<ul style="list-style-type: none"> • 3-(2-aminobutyl) indole • a-et • AE
x	Bufotenine	<ul style="list-style-type: none"> • 3-(beta-dimethylaminoethyl)-5-hydroxyindole • 3-(2-dimethylaminoethyl)-5-indolol • N,N-dimethyserotonin • 5-hydroxy-N,N-dimethyltryptamine mappine
y	Diethyltryptamine	<ul style="list-style-type: none"> • N,N-Diethyltryptamine • DET
z	Dimethyltryptamine	DMT
aa	Ethylamine analog of phencyclidine	<ul style="list-style-type: none"> • n-ethyl-l-phenylcyclohexylamine • (l-phenylcyclohexyl) ethylamine • n-(l-phenylcyclohexyl)ethylamine • cyclohexamine • PCE
bb	Ibogaine	<ul style="list-style-type: none"> • 7-Ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6, 9-methano-5H-pyrido • [1',2':1,2]azepino[5,4-b] indole • tabernanthe iboga
cc	Lysergic acid diethylamide	
dd	Marihuana	
ee	Mescaline	
ff	N-ethyl-3-piperidyl benzilate	
gg	N-hydroxy-3,4-methylenedioxyamphetamine	
hh	N-methyl-3-piperidyl benzilate	
ii	Parahexyl	<ul style="list-style-type: none"> • 3-hexyl-l-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H dibenzo[b,d]pyran • synhexyl
jj	Peyote	
kk	Psilocybin	
ll	Psilocyn	
mm	Pyrrolidine analog of phencyclidine	<ul style="list-style-type: none"> • 1-(l-phenylcyclohexyl)-pyrrolidine • PCPy • PHP

nn	Thiophene analog of phencyclidine	<ul style="list-style-type: none"> • 1-[1-(2-thienyl)-cyclohexyl]-piperidine • 2-thienyl-analog of phencyclidine • TPCP • TCP
oo	Any derivative of a phenethylamine with single or multiple alkyl, halogen, alkoxy, or substituted C, S, N, or O groups on the aromatic ring and/or fused variations, with or without alkyl substituents on the ethylamine moiety and/or fused variations, and with or without N-alkyl, N-aryl, or N-benzyl with or without single or multiple alkyl, halogen, hydroxyl, or alkoxy including methoxybenzyl substitution which shall include, but not be limited to, all of the following:	
i	1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine	<ul style="list-style-type: none"> • DOI • 2,5-Dimethoxy-4-iodoamphetamine
ii	1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane	<ul style="list-style-type: none"> • DOB • 2,5-Dimethoxy-4-bromoamphetamine
iii	1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine	<ul style="list-style-type: none"> • bromo-benzodifuranylisopropylamine • bromo-dragonFLY
iv	1-(4-chloro-2,5-dimethoxyphenyl)propan-2-amine	<ul style="list-style-type: none"> • DOC • 2,5-Dimethoxy-4-chloroamphetamine
v	2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine	<ul style="list-style-type: none"> • 2C-T • 4-methylthio-2,5-dimethoxyphenethylamine
vi	2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine	<ul style="list-style-type: none"> • 2C-N • 2,5-Dimethoxy-4-nitrophenethylamine
vii	2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine	<ul style="list-style-type: none"> • 2C-C-NBOMe • 25C-NBOMe • 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine
viii	2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine	<ul style="list-style-type: none"> • 2C-I-NBOMe • 25I-NBOMe • 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine
ix	2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine	2CB-5-hemiFLY

x	2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine	2C-B-FLY
xi	2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine	2C-BbutterFLY
xii	5-(2-Aminopropyl)-2,3-dihydrobenzofuran	5-APDB
xiii	5-(2-Aminopropyl)benzofuran	5-APB
xiv	5-(2-Aminopropyl)indole	5-IT
xv	5-methoxy-3,4-methylenedioxy-amphetamine	
xvi	6-(2-Aminopropyl)-2,3-dihydrobenzofuran	6-APDB
xvii	6-(2-Aminopropyl)benzofuran	6-APB
xviii	N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine	<ul style="list-style-type: none"> • 2C-INBOH • 25I-NBOH
xix	N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane	2C-B-FLY-NBOMe
xx	N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine	Mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine

R 338.3114 Schedule 1; tetrahydrocannabinols.

Rule 14. Synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis and synthetic substances, derivatives, and their isomers with similar chemical structure or pharmacological activity, or both, such as the following, are included in schedule 1:

(a) Δ^+ cis or trans tetrahydrocannabinol and their optical isomers, excluding dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States food and drug administration.

—(b) Δ^6 cis or trans tetrahydrocannabinol and their optical isomers.

—(c) $\Delta^{3,4}$ cis or trans tetrahydrocannabinol and their optical isomers. Since the nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are included.

Substance	
a	Δ^1 cis or trans tetrahydrocannabinol and their optical isomers, excluding dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States food and drug administration.
b	Δ^6 cis or trans tetrahydrocannabinol and their optical isomers.
c	$\Delta^{3,4}$ cis or trans tetrahydrocannabinol and their optical isomers. Since the nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions, are included.
d	Synthetic cannabinoids. As used in this subrule, “synthetic cannabinoids” includes any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in this schedule or in schedules II through V, is not approved by the federal food and drug administration as a

	drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogs), and salts of isomers and homologues (analogs), unless specifically excepted, whenever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designation:
i	Any compound containing a 3-(1-naphthoyl)indole structure, also known as naphthoylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-007, JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210, JWH-398, AM-1220, AM-2201, and WIN-55, 212-2.
ii	Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure, also known as naphthylmethylinindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-175, JWH-184.
iii	Any compound containing a 3-(1-naphthoyl)pyrrole structure, also known as naphthoylpyrroles with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the pyrrole ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-370, JWH-030.
iv	Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl) ethyl group, whether or not further substituted on the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent. An example of this structural class includes, but is not limited to, JWH-176.
v	Any compound containing a 3-phenylacetylindole structure, also known as phenacetylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent. Examples of this structural class include but are not limited to: RCS-8 (SR-18), JWH-250, JWH-203, JWH-251, and JWH-302.
vi	Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure, also known as cyclohexylphenols, with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl

	group, whether or not substituted on the cyclohexyl ring to any extent. Examples of this structural class include but are not limited to: CP-47,497 (and homologues (analog)), cannabicyclohexanol, and CP-55,940.
vii	Any compound containing a 3-(benzoyl)indole structure, also known as benzoylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent. Examples of this structural class include but are not limited to: AM-694, pravadoline (WIN-48,098), RCS-4, AM-630, AM-679, AM-1241, and AM-2233.
viii	Any compound containing a 11-hydroxy-Δ8-tetrahydrocannabinol structure, also known as dibenzopyrans, with further substitution on the 3-pentyl group by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group. Examples of this structural class include but are not limited to: HU-210, JWH-051, JWH-133.
ix	Any compound containing a 3-(L-adamantoyl)indole structure, also known as adamantoylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes, but is not limited to, AM-1248.
x	Any other synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids that is not listed in schedules II through V and is not approved by the federal food and drug administration as a drug.

R 338.3114a Schedule 1; stimulants.

Rule 14a. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers, is included in schedule 1:

- ~~—(a) Aminorex.~~
- ~~—Some other names:~~
- ~~—(i) aminoxaphen.~~
- ~~—(ii) 2-amino-5-phenyl-2-oxazoline.~~
- ~~—(iii) 4,5-dihydro-5-phenyl-2-oxazolamine.~~
- ~~—(b) Cathinone.~~
- ~~—Some trade or other names:~~
- ~~—(i) 2-amino-1-phenyl-1-propanone.~~
- ~~—(ii) alpha-aminopropiophenone.~~
- ~~—(iii) 2-aminopropiophenone.~~
- ~~—(iv) norephedrone.~~
- ~~—(c) Methcathinone.~~
- ~~—Some trade or other names:~~
- ~~—(i) 2-methylamino-1-phenylpropan-1-one.~~
- ~~—(ii) CAT.~~

- ~~—(iii) Ephedrone.~~
~~—(d) Fenethylamine.~~
~~—(e) (±)cis-4-methylaminorex((±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline).~~
~~—(f) N-ethylamphetamine.~~
~~—(g) N,N-dimethylamphetamine.~~
~~—Some trade or other names:~~
~~—(i) N,N-alpha-trimethyl-benzeneethanimine.~~
~~—(ii) N,N-alpha-trimethylphenethylamine.~~

Substance		Trade or Other Names
a	Aminorex	<ul style="list-style-type: none"> • aminoxaphen • 2-amino-5-phenyl-2-oxazoline • 4,5-dihydro-5-phenyl-2-oxazoline
b	Cathinone	<ul style="list-style-type: none"> • 2-amino-1-phenyl-1-propanone • alpha-aminopropiophenone • 2-aminopropiophenone • norephedrone
c	Mephedrone	<ul style="list-style-type: none"> • 4-MMC • 4-methylmethcathinone • m-CAT
d	Methcathinone	<ul style="list-style-type: none"> • 2-methylamino-1-phenylpropan-1-one • CAT • Ephedrone
e	Methylenedioxypropylamphetamine	<ul style="list-style-type: none"> • 3,4-Methylenedioxypropylamphetamine • MDPV • Methadone
f	Fenethylamine	
g	(\square)cis-4-methylaminorex((\square)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline)	
h	N-ethylamphetamine	
i	N,N-dimethylamphetamine	<ul style="list-style-type: none"> • N,N-alpha-trimethyl-benzeneethanimine • N,N-alpha-trimethylphenethylamine
j	Synthetic cathinones. As used in this subrule, “synthetic cathinones” includes any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in this schedule or in schedules II through V, is not approved by the federal food and drug administration as a drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogs), and salts of isomers and homologues (analogs), unless specifically excepted, whenever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designation:	
i	Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a	

	substitution at the nitrogen atom by an alkyl group, cycloalkyl group, or incorporation into a heterocyclic structure. Examples of this structural class include, but are not limited to, dimethylcathinone, ethcathinone, and alpha-pyrrolidinopropiophenone.
ii	Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at the 3-position carbon with an alkyl, haloalkyl, or alkoxy group. An example of this structural class includes, but is not limited to, naphyrone.
iii	Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at any position of the ring system with an alkyl, haloalkyl, halogen, alkylendioxy, or alkoxy group, whether or not further substituted at any position on the ring system to any extent. Examples of this structural class include, but are not limited to, mephedrone, methylone, and 3-fluoromethylone.

R 338.3116 Schedule 2; substances of vegetable origin or chemical synthesis.

Rule 16. (1) Unless specifically excepted, the following substances of vegetable origin, or independently derived by means of chemical synthesis or by combination of extraction and chemical synthesis, are included in schedule 2:

(a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrophan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including all of the following:

- ~~(i) Raw opium.~~
- ~~(ii) Opium extracts.~~
- ~~(iii) Opium fluid extracts.~~
- ~~(iv) Powdered opium.~~
- ~~(v) Granulated opium.~~
- ~~(vi) Tincture of opium.~~
- ~~(vii) Codeine.~~
- ~~(viii) Ethylmorphine.~~
- ~~(ix) Etorphine hydrochloride.~~
- ~~(x) Hydrocodone.~~
- ~~(xi) Hydromorphone.~~
- ~~(xii) Metopon.~~
- ~~(xiii) Morphine.~~
- ~~(xiv) Oxycodone.~~
- ~~(xv) Oxymorphone.~~
- ~~(xvi) Thebaine.~~

Substance	
i	Raw opium
ii	Opium extracts
iii	Opium fluid extracts
iv	Powdered opium
v	Granulated opium
vi	Tincture of opium
vii	Codeine

viii	Ethylmorphine
ix	Etorphine hydrochloride
x	Hydrocodone
xi	Hydromorphone
xii	Metopon
xiii	Morphine
xiv	Oripavine
xv	Oxycodone
xvi	Oxymorphone
xvii	Thebaine

(b) A salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with a substance referred to in subdivision (a) of this subrule, except that these substances do not include the isoquinoline alkaloids of opium.

(c) Opium poppy, poppy straw, and concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form, which contains the phenathrine alkaloids of the opium poppy).

(d) Coca leaves, and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation which is chemically equivalent to or identical with any of these substances.

(e) Cocaine; its salts; isomers; whether optical, position, or geometric; and salts of isomers.

(2) Decocainized coca leaves or the extraction of coca leaves, which extractions do not contain cocaine or ecgonine, are specifically excepted from schedule 2.

R 338.3117 Schedule 2; opiates.

Rule 17. Unless specifically excepted, the following opiates, including their isomers, esters, and ethers, when the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, are included in schedule 2:

- ~~(a) Alfentanil.~~
- ~~(b) Alphaprodine.~~
- ~~(c) Anileridine.~~
- ~~(d) Benzitramide.~~
- ~~(e) Bulk dextropropoxyphene (nondosage forms).~~
- ~~(f) Carfentanil.~~
- ~~(g) Dihydrocodeine.~~
- ~~(h) Diphenoxylate.~~
- ~~(i) Fentanyl.~~
- ~~(j) Isomethadone.~~
- ~~(k) Levo-alpha-acetylmethadol.~~
- ~~Some other names:~~
 - ~~(i) Levo-alpha-acetylmethadol.~~
 - ~~(ii) Levomethadyl Acetate.~~
 - ~~(iii) LAAM.~~
- ~~(l) Levomethorphan.~~
- ~~(m) Levorphanol.~~
- ~~(n) Metazocine.~~
- ~~(o) Methadone.~~
- ~~(p) Methadone Intermediate, 4 cyano 2 dimethylamino 4,4 diphenyl butane.~~

- ~~(q) Moramide-Intermediate, 2-methyl-3-morpholino-1,1-diphenyl-propane-carboxylic acid.~~
~~(r) Pethidine (meperidine).~~
~~(s) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.~~
~~(t) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.~~
~~(u) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.~~
~~(v) Phenazocine.~~
~~(w) Piminodine.~~
~~(x) Racemethorphan.~~
~~(y) Racemorphan.~~
~~(z) Remifentanyl.~~
~~(aa) Sufentanyl.~~

Substance		Trade or Other Names
a	Alfentanil	
b	Alphaprodine	
c	Anileridine	
d	Benzitramide	
e	Bulk propoxyphene (nondosage forms)	
f	Carfentanil	
g	Dihydrocodeine	
h	Dihydroetorphine	
i	Diphenoxylate	
j	Fentanyl	
k	Isomethadone	
l	Levo-alpha-acetylmethadol	<ul style="list-style-type: none"> • Levo-alpha-acetylmethadol • Levomethadyl Acetate • LAAM
m	Levomethorphan	
n	Levorphanol	
o	Metazocine	
p	Methadone	
q	Methadone-Intermediate, 4 cyano-2-dimethylamino-4,4 diphenyl butane	
r	Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid	
s	Pethidine (meperidine).	
t	Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine	
u	Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate	
v	Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid	
w	Phenazocine	
x	Piminodine	

y	Racemethorphan	
z	Racemorphan	
aa	Remifentanil	
bb	Sufentanil	
cc	Tapentadol	

R 338.3118 Schedule 2; stimulants.

Rule 18. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances and which has a stimulant effect on the central nervous system is included in schedule 2:

- ~~(a) Amphetamine, its salts, optical isomers and salts of its optical isomers.~~
- ~~(b) Methamphetamine, its salts, isomers and salts of its isomers.~~
- ~~(c) Phenmetrazine and its salts.~~
- ~~(d) Methylphenidate and its salts.~~

Substance	
a	Amphetamine, its salts, optical isomers and salts of its optical isomers
b	Lisdexamfetamine, its salts, optical isomers and salts of its optical isomers
c	Methamphetamine, its salts, isomers and salts of its isomers
d	Phenmetrazine and its salts
e	Methylphenidate and its salts

R 338.3122 Schedule 3; anabolic steroids; exemptions.

Rule 22. (1) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of an anabolic steroid, including its salts, isomers, and salts of isomers if the existence of such salts of isomers is possible within the specific chemical designation, is included in schedule 3. As used in this rule, the term "anabolic steroid means any of the following drugs or hormonal substances which are chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, and which promote muscle growth:

- ~~(a) Boldenone.~~
- ~~(b) 4-chlortestosterone (clostebol).~~
- ~~(c) Dehydrochlormethyltestosterone.~~
- ~~(d) Drostanolone.~~
- ~~(e) Ethylestrenol.~~
- ~~(f) Fluoxymesterone.~~
- ~~(g) Formebolone.~~
- ~~(h) Mesterolone.~~
- ~~(i) Methandriol.~~
- ~~(j) Methandrostenolone (methandienone).~~
- ~~(k) Methenolone.~~
- ~~(l) Methyltestosterone.~~
- ~~(m) Mibolerone.~~
- ~~(n) Nandrolone.~~
- ~~(o) Norethandrolone.~~
- ~~(p) Oxandrolone.~~
- ~~(q) Oxymesterone.~~
- ~~(r) Oxymetholone.~~
- ~~(s) Stanolone (4-dihydrotestosterone).~~

- ~~(t) Stanozolol.~~
~~(u) Testolactone.~~
~~(v) Testosterone.~~
~~(w) Trenbolone.~~
~~(x) Any salt, ester, or isomer of a drug or substance described or listed in this subrule, if that salt, ester, or isomer promotes muscle growth.~~

Substance	
a	1-Androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene; 3alpha,17beta-dihydroxy-5alphaandrost-1-ene)
b	1-Androstenedione (5alpha-androst-1-en-3,17-dione)
c	3Alpha,17beta-dihydroxy-5alpha-androstane
d	3Beta,17beta-dihydroxy-5alpha-androstane
e	4-Androstenediol (3beta,17beta-dihydroxy-androst-4-ene)
f	4-Androstenedione (androst-4-en-3,17-dione)
g	4-Hydroxy-19-nortestosterone (4,17beta-dihydroxyestr-4-en-3-one)
h	4-Hydroxytestosterone (4,17beta-dihydroxyandrost-4-en-3-one)
i	5-Androstenediol (3beta,17beta-dihydroxy-androst-5-ene)
j	5-Androstenedione (androst-5-en-3,17-dione)
k	13Beta-ethyl-17beta-hydroxygon-4-en-3-one
l	17Alpha-methyl-3alpha,17beta-dihydroxy-5alpha-androstane
m	17Alpha-methyl-3beta,17beta-dihydroxy-5alpha-androstane
n	17Alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene
o	17Alpha-methyl-4-hydroxynandrolone (17alpha-methyl-hydroxy-17beta-hydroxyestr-4-en-3-one)
p	17Alpha-methyl-delta1-dihydrotestosterone (17beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one)
q	19-nor-4, 9(10)-androstadienedione.
r	19-nor-5-androstenedione (estr-5-en-3, 17-dione)
s	Boldenone
t	Bolasterone
u	Boldione
v	Calusterone
w	4-chlortestosterone (clostebol)
x	Dehydrochlormethyltestosterone
y	Desoxymethyltestosterone
z	Drostanolone
aa	Ethylestrenol
bb	Fluoxymesterone
cc	Formebolone
dd	Mesterolone
ee	Methandriol
ff	Methandrostenolone (methandienone)
gg	Methasterone
hh	Methenolone
ii	Methyltestosterone
jj	Mibolerone

kk	Nandrolone
ll	Norethandrolone
mm	Oxandrolone
nn	Oxymesterone
oo	Oxymetholone
pp	Prostanazol
qq	Stanolone (4-dihydrotestosterone)
rr	Stanozolol
ss	Testolactone
tt	Testosterone
uu	Trenbolone
vv	Any salt, ester, or isomer of a drug or substance described or listed in this subrule, if that salt, ester, or isomer promotes muscle growth.

(2) An anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States drug enforcement administration for such administration is specifically excepted from schedule 3.

(3) The following anabolic steroid products are exempted from all schedules of controlled substances:

- ~~(a) Esterified estrogens 1.25 milligrams and methyl testosterone 2.5 milligram tablets.~~
- ~~(b) Esterified estrogens 0.625 milligrams and methyl testosterone 1.25 milligram tablets.~~
- ~~(c) Conjugated estrogens 1.25 milligrams and methyl testosterone 10 milligram tablets.~~
- ~~(d) Conjugated estrogens 0.625 milligrams and methyl testosterone 5 milligram tablets.~~
- ~~(e) Testosterone enanthate 90 milligram/milliliter and estradiol valerate 4 milligram/milliliter injection.~~
- ~~(f) Testosterone cypionate 50 milligram/milliliter and estradiol cypionate 2 milligram/milliliter injection.~~

Substance	
a	Esterified estrogens 1.25 milligrams and methyl testosterone 2.5 milligram tablets.
b	Esterified estrogens 0.625 milligrams and methyl testosterone 1.25 milligram tablets.
c	Conjugated estrogens 1.25 milligrams and methyl testosterone 10 milligram tablets.
d	Conjugated estrogens 0.625 milligrams and methyl testosterone 5 milligram tablets.
e	Testosterone enanthate 90 milligram/milliliter and estradiol valerate 4 milligram/milliliter injection.
f	Testosterone cypionate 50 milligram/milliliter and estradiol cypionate 2 milligram/milliliter injection.

R 338.3123 Schedule 4; depressants; drugs affecting the central nervous system: stimulants; exempt chemical preparations for industrial use; exceptions; narcotic drugs.

Rule 23. (1) Unless specifically excepted, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system, including its salts, isomers, and the salts of isomers when the existence of

such salts, isomers, and the salts of isomers is possible within the specific chemical designation, is included in schedule 4:

- ~~(a) Alprazolam.~~
- ~~(b) Barbitol.~~
- ~~(c) Bromazepam.~~
- ~~(d) Camazepam.~~
- ~~(e) Chloralbetaine.~~
- ~~(f) Chloral hydrate.~~
- ~~(g) Chlordiazepoxide.~~
- ~~(h) Clobazam.~~
- ~~(i) Clonazepam.~~
- ~~(j) Clorazepate.~~
- ~~(k) Clotiazepam.~~
- ~~(l) Cloxazolam.~~
- ~~(m) Dichloralphenazone.~~
- ~~(n) Delorazepam.~~
- ~~(o) Dextropropoxyphene.~~
- ~~(p) Diazepam.~~
- ~~(q) Estazolam.~~
- ~~(r) Eszopiclone.~~
- ~~(s) Ethchlorvynol.~~
- ~~(t) Ethinamate.~~
- ~~(u) Ethyl loflazepate.~~
- ~~(v) Fludiazepam.~~
- ~~(w) Flunitrazepam.~~
- ~~(x) Flurazepam.~~
- ~~(y) Halazepam.~~
- ~~(z) Haloxazolam.~~
- ~~(aa) Ketazolam.~~
- ~~(bb) Loprazolam.~~
- ~~(cc) Lorazepam.~~
- ~~(dd) Lormetazepam.~~
- ~~(ee) Mebutamate.~~
- ~~(ff) Medazepam.~~
- ~~(gg) Meprobamate.~~
- ~~(hh) Methohexital.~~
- ~~(ii) Methylphenobarbital (mephobarbital)~~
- ~~(jj) Midazolam.~~
- ~~(kk) Modafinil.~~
- ~~(ll) Nimetazepam.~~
- ~~(mm) Nitrazepam.~~
- ~~(nn) Nordiazepam.~~
- ~~(oo) Oxazepam.~~
- ~~(pp) Oxazolam.~~
- ~~(qq) Paraldehyde.~~
- ~~(rr) Petrichloral.~~
- ~~(ss) Phenobarbital.~~
- ~~(tt) Pinazepam.~~

~~–(uu) Prazepam.~~
~~–(vv) Quazepam.~~
~~–(ww) Temazepam.~~
~~–(xx) Tetrazepam.~~
~~–(yy) Triazolam.~~
~~–(zz) Zaleplon.~~
~~–(aaa) Zolpidem.~~

Substance	
a	Alprazolam
b	Barbital
c	Bromazepam
d	Camazepan
e	Carisoprodol
f	Chloralbetaine
g	Chloral hydrate
h	Chlordiazepoxide
i	Clobazam
j	Clonazepam
k	Clorazepate
l	Clotiazepam
m	Cloxazolam
n	Dichloralphenazone
o	Delorazepam
p	Dextropropoxyphene
q	Diazepam
r	Estazolam
s	Eszopiclone
t	Ethchlorvynol
u	Ethinamate
v	Ethyl loflazepate
w	Fludiazepam
x	Flunitrazepam
y	Flurazepam
z	Fospropfol
aa	Halazepam
bb	Haloxazolam
cc	Ketazolam
dd	Loprazolam
ee	Lorazepam
ff	Lormetazepam
gg	Mebutamate
hh	Medazepam
ii	Meprobamate
jj	Methohexital
kk	Methylphenobarbital (mephobarbital)
ll	Midazolam

mm	Modafinil
nn	Nimetazepam
oo	Nitrazepam
pp	Nordiazepam
qq	Oxazepam
rr	Oxazolam
ss	Paraldehyde
tt	Petrichloral
uu	Phenobarbital
vv	Pinazepam
ww	Prazepam
xx	Quazepam
yy	Temazepam
zz	Tetrazepam
aaa	Triazolam
bbb	Zaleplon
ccc	Zolpidem

(2) Unless specifically excepted, a material, compound, mixture, or preparation that contains any quantity of fenfluramine having a potential for abuse associated with an effect on the central nervous system, including its salts, isomers, whether optical, position, or geometric, and the salts of such isomers when the existence of such salts, isomers, and the salts of isomers is possible, is included in schedule 4:.

(3) Unless specifically excepted, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including its salts, isomers, whether optical, position, or geometric, and the salts of such isomers when the existence of such salts, isomers, and the salts of isomers is possible within the specific chemical designation, is included in schedule 4:.

- (a) ~~Cathine ((+)-norpseudoephedrine).~~
- (b) ~~Dexfenfluramine.~~
- (c) ~~Diethylpropion.~~
- (d) ~~Fencamfamin.~~
- (e) ~~Fenproporex.~~
- (f) ~~Mazindol.~~
- (g) ~~Mefenorex.~~
- (h) ~~Phentermine.~~
- (i) ~~Pemoline, including organometallic complexes and chelates thereof.~~
- (j) ~~Pipradrol.~~
- (k) ~~Sibutramine.~~
- (l) ~~SPA((-)-1-dimethylamino-1,2-diphenylethane).~~

Substance	
a	Cathine ((+)-norpseudoephedrine)
b	Dexfenfluramine
c	Diethylpropion
d	Fencamfamin
e	Fenproporex
f	Mazindol
g	Mefenorex

h	Phentermine
i	Pemoline, including organometallic complexes and chelates thereof
j	Pipradrol
k	Sibutramine
l	SPA((-)-1-dimethylamino-1,2-diphenylethane)

(4) Unless specifically excepted or unless listed in another schedule, any natural compound, mixture, or prescription which contains butorphanol, including its optical isomers and its salts, is included in schedule 4.

(5) Chloral hydrate is designated as an exempt chemical preparation for industrial use when packaged in a sealed, oxygen free environment under nitrogen pressure and safeguarded against exposure to air.

(6) Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation containing limited quantities of not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit or any salts thereof is included in schedule 4.

R 338.3125 Schedule 5; narcotics added to nonnarcotic compounds.

Rule 25. (1) Schedule 5 includes ~~the drug~~ pregabalin **and lacosamide** by whatever official, common, usual, chemical, or brand name designated.

(2) Schedule 5 includes ezogabine by whatever official, common, usual, chemical, or brand name designated.

~~(2)~~**(3)** A compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which includes 1 or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation a valuable medicinal quality other than that possessed by the narcotic drug alone, is included in schedule 5:

~~(a) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams, and not more than 10 milligrams per dosage unit.~~

~~—(b) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams, and not more than 4 milligrams per dosage unit.~~

~~—(c) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams, and not more than 5 milligrams per dosage unit.~~

~~—(d) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams, and not more than 5 milligrams per dosage unit.~~

~~—(e) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.~~

~~—(f) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.~~

Substance	
a	Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams, and not more than 10 milligrams per dosage unit.
b	Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams, and not more than 4 milligrams per dosage unit.
c	Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams, and not more than 5 milligrams per dosage unit.
d	Not more than 100 milligrams of opium per 100 milliliters or per 100 grams, and not more than 5 milligrams per dosage unit.
e	Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

f	Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
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(3) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of either of the following substances which have a stimulate effect on the central nervous system, including its salts, isomers, and salts of isomers, is included in schedule 5:

(a) ~~Propylhexedrine.~~

~~(b) Pyrovalerone.~~

Substance	
a	Propylhexedrine
b	Pyrovalerone

PART 3 – LICENSES

R 338.3138 ~~Animal euthanasia; permit application; records; storage of pentobarbital; facility inspections; facility registration; personnel training; written administration procedures.~~ **Rescinded.**

Rule 38. (1) A dog pound, class b dealer, or animal shelter licensed or registered by the Michigan department of agriculture pursuant to 1969 PA 287, MCL 287.331 et seq., may apply for a permit to store, handle, and use a commercially prepared, pre-mixed solution of sodium pentobarbital to practice euthanasia on animals.

(2) A dog pound, class b dealer, or animal shelter holding a current registration or license issued by the Michigan department of agriculture shall apply, on a form provided by the administrator, for a permit to store, handle, and use sodium pentobarbital. The application submitted to the administrator shall contain all of the following information:

(a) The name, address, and department of agriculture registration number of the dog pound, class b dealer, or animal shelter.

(b) The name, address, and biographical data of the person who is in charge of the day-to-day operation of the dog pound, class b dealer, or animal shelter and who is responsible for the storage and recordkeeping of the sodium pentobarbital.

(c) The name, address, and biographical data of the person responsible for designating employees who will practice euthanasia pursuant to the act.

(d) The name and address of each individual certified to have received a minimum of 8 hours of training in the use of sodium pentobarbital to practice euthanasia, and the name of the veterinarian who trained each individual.

(3) Records of the receipt and dispensation of sodium pentobarbital shall be maintained at the animal shelter or dog pound. These records shall indicate all of the following information:

(a) The date of acquisition.

(b) The quantity acquired.

(c) The trade name.

(d) The lot number and strength of a commercially prepared, pre-mixed solution of sodium pentobarbital.

(e) A complete record of the dispensation of the pre-mixed solution for the purpose of practicing euthanasia, showing the quantity used, time, date, and the name of the administering individual.

(4) Records of receipt shall be kept on drug enforcement administration (DEA) order forms pursuant to 21 C.F.R. part 1305. The Code of Federal Regulations, Title 21, Food and Drugs, part 1305 is available via the Internet at web site <http://www.access.gpo.gov/nara/cfr>. Printed copies may be purchased from the United States Printing Office, Superintendent of Documents, P.O. Box 371954,

Pittsburgh, PA, 15250-7954, USA, by calling toll free at 1-866-512-1800, or via the Internet at web-site: <http://bookstore.gpo.gov> at a cost of \$20.00 as of the time of adoption of these amendments. Printed copies of 21 C.F.R. part 1305 also are available for inspection and for distribution to the public at cost at the Department of Consumer and Industry Services, Bureau of Health Services, Ottawa Building—First Floor, 611 West Ottawa, Lansing, MI 48909.

(5) Records of dispensation shall be kept pursuant to 21 C.F.R. part 1304. The Code of Federal Regulations, Title 21, Food and Drugs, part 1304 is available via the Internet at web-site <http://www.access.gpo.gov/nara/cfr>. Printed copies may be purchased from the United States Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, USA, by calling toll free at 1-866-512-1800, or via the Internet at web-site: <http://bookstore.gpo.gov> at a cost of \$20.00 as of the time of adoption of these amendments. Printed copies of 21 C.F.R. part 1304 also are available for inspection and distribution to the public at cost at the Department of Consumer and Industry Services, Bureau of Health Services, Ottawa Building—First Floor, 611 West Ottawa, Lansing, MI 48909.

(6) Records shall be kept for a period of 2 years and shall be available for inspection by the department.

(7) The controlled substance covered by this permit shall be a commercially prepared, pre-mixed solution of sodium pentobarbital.

(8) All stocks of the sodium pentobarbital shall be stored in a securely locked, substantially constructed cabinet located in the facility, with access limited to the persons described in subrule (2)(b) and (d) of this rule.

(9) An inspection of the facility may be conducted by the department before issuance of the permit. Unannounced additional inspections may be made from time to time thereafter.

(10) The permit issued by the administrator shall show the name and address of the facility and the name of the person in charge of the day-to-day operation. This permit is not transferable. The administrator shall be notified, in writing, within 10 days of a change in the person in charge of the day-to-day operation.

(11) The facility shall promptly obtain a registration from the United States department of justice, drug enforcement administration, or its successor agency, before stocking, purchasing, and using sodium pentobarbital to practice euthanasia. Purchases shall be made in accordance with procedures established by the drug enforcement agency.

(12) If the dog pound, class b dealer, or animal shelter issued a permit pursuant to section 7333(8) of the act, does not have in its employ an individual trained as described in section 7333(8), then the dog pound, class b dealer, or animal shelter shall immediately notify the administrator and shall securely store, and cease to administer, any commercially prepared, pre-mixed solution of sodium pentobarbital until the administrator is notified that either of the following has occurred:

(a) An individual trained as described in section 7333(8) of the act has been hired by the facility.

(b) An employee of the facility has been trained as described in section 7333(8) of the act.

(13) The administrator shall be notified of any change in the name and address of the individual trained as described in section 7333(8) of the act within 10 days of such change.

(14) The list of persons certified to have received training and the veterinarians who trained them shall be updated in writing every 6 months, kept on site and available for inspection.

(15) The dog pound, class b dealer, or animal shelter shall establish and maintain written procedures for the administration of a commercially prepared, pre-mixed solution of sodium pentobarbital. These procedures shall be kept on the licensed premises and shall be available for inspection.

R 338.3139 Animal euthanasia; personnel training. **Rescinded.**

~~Rule 39. (1) An employee of a dog pound, class b dealer, or animal shelter who will practice euthanasia on animals shall be able to document completion of a minimum of 8 hours of training given by a licensed veterinarian in the use of sodium pentobarbital.~~

~~(2) Training of the individual shall be under the instruction of a doctor of veterinary medicine currently licensed in this state. The training shall include both lecture and self study instruction and clinical experience. At a minimum, the individual shall demonstrate competency to give inter-cardial, intraperitoneal, and intravenous injections, in addition to making a positive determination of death.~~

~~(3) Upon receipt of notification of the individual's successful completion of the minimum 8 hours of training from the licensed veterinarian/instructor, the department shall issue a permit to the dog pound or animal shelter. Proficiency may be shown by completion of a self-assessment program or other evaluation by the board of veterinary medicine. The permit is subject to the provisions of section 7334 of the act.~~

~~(4) Continued proficiency and compliance with written procedures, in addition to compliance with all rules and regulations, may be monitored by the administrator or the board of veterinary medicine.~~

PART 5 – RECORDS

R 338.3153 Invoices, acquisition, dispensing, administration, and distribution records.

Rule 53. (1) A licensee shall keep and make available for inspection all records for controlled substances, including invoices and other acquisition records, but excluding sales receipts, however a copy of each receipt shall be retained for 90 days. Acquisition records, except for executed DEA 222 order forms, may be kept at a central location, subject to the approval of the administrator. The approval shall specify the nature of the acquisition records to be kept and the exact location where the acquisition records will be kept. All records shall be readily retrievable within 48 hours.

(2) A licensee shall maintain acquisition records as follows:

(a) Invoices and other acquisition records of all controlled substances listed in schedules 1 and 2 of R 338.3111 to R 338.3119a shall be maintained in a separate file.

(b) Invoices and other acquisition records of all controlled substances listed in schedules 3, 4, and 5 of R 338.3120 to R 338.3125 shall be maintained in a separate file or in such form so that the information required is readily retrievable from the ordinary acquisition records maintained by the dispenser.

(3) A licensee shall initial the invoice and indicate the date that the controlled substances are received.

(4) A licensee shall keep a record of all controlled substances dispensed by him or her.

(5) A prescriber shall keep a record separate from the patient chart which contains all of the following information for controlled substances dispensed or administered by the prescriber:

(a) Name of patient.

(b) Name of substance and strength.

(c) Quantity of substance.

(d) Date dispensed or administered.

(e) Name of individual who dispensed or administered.

(6) Except in medical institutions, patients' original prescriptions shall be sequentially numbered and maintained in chronological order as follows:

(a) A separate file shall be maintained for dispensed substances listed in schedule 2 of R 338.3116 to R 338.3119a.

(b) A separate file shall be maintained for dispensed substances listed in schedules 3, 4, and 5 of R 338.3120 to R 338.3125.

(7) Records of controlled substances distributed to another licensee, shall include all of the following information and be maintained in the appropriate file described in subrule (2) of this rule or in a separate record that is available for inspection:

- (a) Name, address, and dea number of receiver.
- (b) Name, address, and dea number of supplier.
- (c) Name and quantity of controlled substances distributed.
- (d) Date distributed.

A DEA 222 order form shall be used for schedule 2 drugs.

(8) Complete controlled substances records shall be maintained or controlled by the licensee for 2 years, except for controlled substance prescriptions, which shall be maintained for 5 years from the last date of ~~dispensing~~ **invoice**.

PART 6. DISPENSING AND ADMINISTERING CONTROLLED SUBSTANCE PRESCRIPTIONS

R 338.3162d Required reporting of prescription data; error reporting.

Rule 62d. (1) A pharmacist, pharmacy, dispensing prescriber, or veterinarian shall report all schedules 2 to 5 controlled substances dispensed beginning on the date that these amendatory rules take effect.

(2) The data required by R 338.3162b shall be forwarded by on-line transmission, computer diskette, compact disk, or other approved medium, as specified in R 338.3162c to the department or the department's contractor **by the end of the next business day, twice monthly, by the first calendar day and the 15th calendar day of each month immediately following the month in which the prescription was dispensed,** and shall include the data for all controlled substances dispensed since the previous transmission or report. ~~A pharmacist, pharmacy, dispensing prescriber, or veterinarian may choose 2 different dates to report each month, provided that they are within 2 calendar days of the first calendar day and the 15th calendar day of each month and they include all controlled substances dispensed since the previous transmission or report.~~

(3) For each pharmacist, pharmacy, dispensing prescriber, or veterinarian who does not have the capacity to forward the information as specified in R 338.3162b, the information shall be mailed or delivered to a location specified by the department or the department's contractor **contractor not later than 7 calendar days after the date that the controlled substance has been dispensed, twice monthly by the first calendar day and the 15th calendar day of the month following the month in which the prescription was dispensed,** and shall include the data for all controlled substances dispensed since the previous transmission or report. ~~The pharmacist, pharmacy, dispensing prescriber, or veterinarian may choose 2 different dates to report each month provided they are within 2 days of the first calendar day and the 15th calendar day of each month and they include all controlled substances dispensed since the previous transmission or report.~~

(4) The department or the department's contractor shall notify a pharmacist, pharmacy, dispensing prescriber, or veterinarian of an error in data reporting. Upon receiving notification of an error in data reporting, a pharmacist, pharmacy, dispensing prescriber, or veterinarian shall take appropriate measures to correct the error and transmit the corrected data to the department or the department's contractor within ~~15~~ **7 calendar** days of being notified of the error.

(5) A pharmacist, pharmacy, dispensing prescriber, or veterinarian who fails to report the dispensing of a prescription for a controlled substance listed in schedules 2 to 5 as required, beginning on the date that these amendatory rules take effect, shall be subject to the penalty provisions in sections 16221, 17741, or 17768 in article 15 of the act.

R 338.3169 ~~Labels.~~ **Rescinded.**

~~Rule 69. In addition to all other labeling requirements, a practitioner who dispenses a controlled substance prescription shall affix to the container any cautionary statement required by 21 C.F.R. §290.5. The Code of Federal Regulations, Title 21, Food and Drugs, part 290, containing 21 C.F.R.~~

~~§290.5, is available via the Internet at web site <http://www.access.gpo.gov/nara/cfr>. Printed copies may be purchased from the United State Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954 USA, by calling toll free at 1-866-512-1800, or via the Internet at web site: <http://bookstore.gpo.gov> at a cost of \$16.00 as of the time of adoption of these amendments. Printed copies of 21 C.F.R. §290.5 also are available for inspection and distribution to the public at cost at the Department of Consumer and Industry Services, Bureau of Health Services, Ottawa Building—First Floor, 611 West Ottawa, Lansing, MI 48909.~~

NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING - BOARD OF PHARMACY
TUESDAY, JULY 23, 2013 - 1:30 P.M.**

The Michigan Department of Licensing and Regulatory Affairs will hold a public hearing on Tuesday, July 23, 2013, starting at 1:30 p.m. at the following address:

Ottawa Building - Conference Room UL#3 611 W. Ottawa Street - Lansing, Michigan

The public hearing is being held to receive comments on the following proposed rules:

- **General Rules** (ORR #2012-095): Proposed amendments will affect rules for intern eligibility, examination information, limited licenses, licensure eligibility, relicensure requirements, prescription drug receipts, records, labeling, housing, etc.
- **Controlled Substances** (ORR #2012-096): Proposed rules will update the various controlled substance schedules.
- **Animal Euthanasia and Sedation** (ORR #2012-097): New rules will be added to comply with Public Act 451 of 2006.

These rules are being promulgated by the director of the Department of Licensing and Regulatory Affairs by sections 7201, 7216, 7333(8), 16145(2), 16145(3), 17722(a), 17737, and 17767 of 1978 PA 368, being MCL 333.7201, 333.7216, 333.7333(8), 333.16145(2), 333.16145(3), 333.17722(a), 333.17737, and 333.17767, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-01, and 2011-4, being MCL 330.3101, 445.2001, 445.2011, MCL 445.2030. These rules are proposed to take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules.

Comments on the proposed rules may be presented in person at the public hearing. Written comments may be submitted at the time of presentation and will also be accepted until 5:00 p.m. on July 29, 2013, at the following address or e-mail address:

Michigan Department of Licensing and Regulatory Affairs
Bureau of Health Care Services – Board of Pharmacy Rules Public Hearing
PO Box 30670; Lansing, MI 48909-8170
Attention: Norene Lind: E-mail address: lindn@michigan.gov

Copies of the proposed rules may be obtained by sending a request to the e-mail address listed above. Electronic copies may also be obtained at the following link: <http://www7.dleg.state.mi.us/orr/Rules.aspx?type=dept&id=LR>. Simply locate the ORR number associated with the rules above, and click on “Revision Text” to view the draft rules.

All hearings are conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate individuals with disabilities, and accessible parking is available. An individual who requires accommodations in order to participate in a hearing should call Shellayne Grimes at (517) 335-1341 to make the necessary arrangements. To ensure availability of the accommodation, please call at least 1 week in advance of the public hearing.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BOARD OF PHARMACY - ANIMAL EUTHANASIA AND SEDATION RULES

Proposed Draft June 25, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145(3) and 7333(8) of 1978 PA 368, MCL 333.16145(3) and 333.7333(8) and Executive Reorganization Order Numbers 1996-1, 1996-2, 2003-1, and 2011-4, MCL 330.3101, 445.2001, 445.2011, and 445.2030)

R 338.3501, R 338.3502, R 338.3503, R 338.3504, R 338.3505, R 338.3506, R 338.3507, R 338.3508, R 338.3509, R 338.3510, R 338.3511, R 338.3512, R 338.3513, R 338.3514, R 338.3515, R 338.3516, R 338.3517, R 338.3518, R 338.3519, R 338.3520, R 338.3521, R 338.3522, and R 338.3523 are added to the Michigan Administrative Code.

Part 1. General Provisions

R 338.3501 Definitions.

Rule 1. As used in these rules:

- (a) "Administrator" means the board of pharmacy or its designated or established authority, as defined in section 7103 of the code.
- (b) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.
- (c) "Department" means the department of licensing and regulatory affairs.
- (d) "Individual" means an animal control officer; law enforcement officer; a person who is under contract with an animal control shelter or an animal protection shelter; or, a person who is currently employed by an animal control shelter, an animal protection shelter, or a class b dealer, as used in these rules and sections 7333(8) to 7333(21) of the code.

Part 2. Animal Euthanasia

R 338.3502 Animal euthanasia; authorization to apply for permit.

Rule 2. An animal control shelter or animal protection shelter registered by the Michigan department of agriculture and rural development pursuant to 1969 PA

287, MCL 287.331 to 287.340, or a class b dealer licensed with the United States department of agriculture pursuant to 7 U.S.C. § 2134, may apply for a permit to store, handle, and use a commercially prepared, pre-mixed solution of sodium pentobarbital to practice euthanasia on animals.

R 338.3503 Animal euthanasia; application for permit; renewal.

Rule 3. (1) An animal control shelter or animal protection shelter that holds a current registration issued by the Michigan department of agriculture and rural development or a class b dealer licensed with the United States department of agriculture shall apply, on a form provided by the administrator, together with the requisite fee, for a permit to store, handle, and use sodium pentobarbital. The application submitted to the administrator shall contain all of the following information:

(a) The name, address, and Michigan department of agriculture and rural development registration number of the animal control shelter or animal protection shelter, or the U.S. department of agriculture license number of the class b dealer.

(b) The name, address, and biographical data of the individual who is in charge of the day-to-day operation of the animal control shelter, animal protection shelter, or class b dealer and who is responsible for the storage and recordkeeping of the sodium pentobarbital.

(c) The name, address, and biographical data of the individual responsible for designating employees who will practice euthanasia pursuant to the code.

(d) The name and address of each individual certified to have received a minimum of 8 hours of training in the use of sodium pentobarbital to practice euthanasia, and the name of the veterinarian who trained each individual.

(2) A permit issued under this rule is valid for 2 years and may be renewed upon application to the administrator and payment of the requisite fee.

R 338.3504 Permit for animal euthanasia; form; non-transferable; change in responsible person.

Rule 4. A permit issued by the administrator shall show the name and address of the facility and the name of the individual in charge of the day-to-day operation. The permit is not transferable. The administrator shall be notified, in writing, within 10 days of a change in the individual in charge of the day-to-day operation.

R 338.3505 Registration with United States department of justice.

Rule 5. The facility shall obtain a registration, in accordance with 21 C.F.R. part 1301.11, from the United States department of justice, drug enforcement administration, or its successor agency, before stocking, purchasing, or using sodium pentobarbital to practice euthanasia. Purchases shall be made in accordance with procedures established by the drug enforcement administration.

R 338.3506 Animal euthanasia; trained personnel; notification of changes; documentation of training.

Rule 6. (1) If the animal control shelter, animal protection shelter, or class b dealer has been issued a permit pursuant to section 7333(8) of the code, and does not employ an individual trained as described in section 7333(8), then the animal control shelter, animal protection shelter, or class b dealer shall immediately notify the administrator, and shall securely store and cease to administer any commercially-prepared, pre-mixed solution of sodium pentobarbital until the administrator is notified that either of the following has occurred:

(a) An individual trained as described in section 7333(8) of the code has been hired by the facility.

(b) An employee of the facility has been trained as described in section 7333(8) of the code.

(2) The administrator shall be notified of any change in the name and address of the individual trained as described in section 7333(8) of the code within 10 days of this change.

(3) A list of individuals certified as having received training and the veterinarians who trained them shall be updated in writing every 6 months, kept on site, and be available for inspection.

R 338.3507 Animal euthanasia; training of personnel.

Rule 7. (1) An employee of an animal control shelter, animal protection shelter, or class b dealer who practices euthanasia on animals shall document completion of a minimum of 8 hours of training given by a licensed veterinarian in the use of sodium pentobarbital.

(2) Training of the individual shall be under the instruction of a veterinarian who is currently licensed in this state and is in good standing. The training shall include both lecture and self-study instruction and clinical experience. At a minimum, the individual shall demonstrate competency to give intercardial, intraperitoneal, and intravenous injections, in addition to making a positive determination of death.

R 338.3508 Animal euthanasia; notification of completion of training; issuance of permit.

Rule 8. Upon receiving notification of an individual's successful completion of the minimum of 8 hours of training from a licensed veterinarian, the department shall issue a permit to the animal control shelter, animal protection shelter, or class b dealer where the individual is employed. An individual's proficiency in the use of sodium pentobarbital may be shown by completion of a self-assessment program or other evaluation approved by the board of veterinary medicine. A self-assessment program or other evaluation that examines an individual's proficiency in the use of sodium pentobarbital that has been approved by the Michigan department of agriculture and rural development is deemed approved by the Michigan board of veterinary medicine. The permit is subject to the provisions of section 7333 of the code.

R 338.3509 Animal euthanasia; establish and maintain written procedures; monitoring continued proficiency and compliance.

Rule 9. (1) An animal control shelter, animal protection shelter, or class b dealer shall establish and maintain written procedures for the administration of a commercially prepared, pre-mixed solution of sodium pentobarbital. These procedures shall be kept on the licensed premises and shall be available for inspection.

(2) An individual's continued proficiency and compliance with written procedures by an animal control shelter, an animal protection shelter, or a class b dealer, in addition to compliance with all rules and regulations, may be monitored by the administrator or the board of veterinary medicine.

R 338.3510 Animal euthanasia; retention of records regarding dispensation of sodium pentobarbital.

Rule 10. (1) Records of the receipt and dispensation of sodium pentobarbital shall be maintained at the animal control shelter, animal protection shelter, or by the class b dealer. These records shall include all of the following information pertaining to the sodium pentobarbital:

- (a) The date of acquisition.
- (b) The quantity acquired.
- (c) The drug name.
- (d) The trade name of the drug.
- (e) The lot number and strength of a commercially prepared, pre-mixed solution of sodium pentobarbital.
- (f) A complete record of the dispensation of the pre-mixed solution for the purpose of practicing euthanasia, that shows the quantity used, the time and date it was dispensed, and the name of the individual who administered the pre-mixed solution.

(2) Records of receipt shall be kept on drug enforcement administration (DEA) order forms pursuant to 21 C.F.R part 1305. The Code of Federal Regulations, Title 21, Food and Drugs, part 1305 is available at no cost on the internet at <http://www.access.gpo.gov/nara/cfr>. Printed copies of 21 C.F.R. part 1305 are available for inspection and distribution at cost from the Michigan Board of Pharmacy, Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, Michigan 48909.

(3) Records of dispensation shall be kept pursuant to 21 C.F.R. part 1304. The Code of Federal Regulations, Title 21, Food and Drugs, part 1304 is available at no cost on the internet at <http://access.gpo.gov/nara/cfr>. Printed copies of 21 C.F.R. part 1304 also are available for inspection and distribution to the public at cost from the Michigan Board of Pharmacy, the Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, Michigan 48909.

(4) Records shall be kept for a period of 2 years and shall be available for inspection by the department or other authorized individual.

R 338.3511 Storage of sodium pentobarbital.

Rule 11. An animal control shelter, an animal protection shelter, or a class b dealer shall store all stocks of sodium pentobarbital in a securely locked, substantially constructed cabinet located in the facility, with access limited to the individuals described in R 338.604 and R 338.606.

R 338.3512 Inspections.

Rule 12. The department may conduct an inspection of an animal control shelter, an animal protection shelter, or a class b dealer before a permit is issued. The department or authorized individual may make periodic, additional, unannounced inspections.

PART 5. ANIMAL SEDATION

R 338.3513 Animal sedation; authorization to apply for permit; renewal.

Rule 13. (1) An animal control shelter or animal protection shelter registered by the Michigan department of agriculture and rural development pursuant to 1969 PA 287, MCL 287.331 to 287.340, may apply, on a form provided by the administrator, together with the requisite fee, for a permit to store, handle, and use a commercially-prepared and federally-approved animal tranquilizer to sedate, feral, wild, difficult to handle, or other animals for euthanasia, or to tranquilize an animal running at large that is dangerous or difficult to capture.

(2) A permit issued under this subrule (1) of this rule is valid for 2 years and may be renewed upon application to the administrator and payment of the requisite fee.

R 338.3514 Animal sedation; application for permit.

Rule 14. An animal control shelter or animal protection shelter holding a current registration issued by the Michigan department of agriculture and rural development shall apply, on a form provided by the administrator, for a permit to store, handle, and use animal tranquilizers. The application submitted to the administrator shall contain all of the following information:

(a) The name, address, and Michigan department of agriculture and rural development registration number of the animal control shelter or animal protection shelter.

(b) The name, address, and biographical data of the individual who is in charge of the day-to-day operation of the animal control shelter or animal protection shelter and who is responsible for the storage and recordkeeping of the animal tranquilizing drugs.

(c) The name, address, and biographical data of the individual responsible for designating employees who will practice tranquilizing pursuant to the act.

(d) The name and address of each individual certified to have received a minimum of 16 hours of approved training, including 3 hours of practical training, in the use of animal tranquilizers to sedate feral, wild, difficult to handle, or other animal for euthanasia, or to tranquilize an animal running at large that is dangerous or difficult to capture, and the name of the veterinarian who trained each individual, as required under section 7333(14)(c) of the code.

(e) If the trained individual is under contract with the shelter to perform tranquilizing services, all of the following shall be provided:

- (i) An application indicating that tranquilizing services are being performed under contract.
- (ii) The name and address of the employment agency with whom the services are being offered under a contract.
- (iii) The name of the individual responsible for each individual under contract with the shelter.

R 338.3515 Permit for animal sedation; form; non-transferable; change in responsible person.

Rule 15. A permit issued by the administrator shall show the name and address of the facility and the name of the person in charge of the day-to-day operation. This permit is not transferable. The administrator shall be notified, in writing, within 10 days of a change in the person in charge of the day-to-day operation.

R 338.3516 Registration with United States department of justice.

Rule 16. The facility shall obtain a registration, in accordance with 21 C.F.R. part 1301.11, from the United States department of justice, drug enforcement administration, or its successor agency, when required by the drug enforcement agency, before stocking, purchasing, and using animal tranquilizers. Purchases shall be made in accordance with procedures established by the drug enforcement administration.

R 338.3517 Animal sedation; trained personnel; notification of changes; documentation of training.

Rule 17. (1) If an animal control shelter or animal protection shelter has been issued a permit pursuant to section 7333(14) and (15) of the code, and does not employ an individual trained as described in section 7333(14)(c) or (15)(c), then the animal control shelter or animal protection shelter shall immediately notify the administrator, and shall securely store and cease to administer the animal tranquilizer until the administrator is notified that either of the following has occurred:

(a) An individual trained as described in section 7333(14)(c) or (15)(c) of the code has been hired by the facility.

(b) An employee of the facility has been trained as described in section 7333(14)(c) or (15)(c) of the code.

(2) The administrator shall be notified of any change in the name and address of the individual trained as described in section 7333(14)(c) or (15)(c) of the act within 10 days of training.

(3) The list of individuals certified as having received training and the veterinarian or veterinarians who trained them, as well as documentation that the training has been approved by the Michigan board of veterinary medicine, shall be updated in writing every 6 months, kept on site, and available for inspection.

R 338.3518 Animal sedation; training of personnel.

Rule 18. (1) An individual who practices sedation on animals shall document completion of 16 hours of approved training, including 3 hours of practical training, in the use of animal tranquilizers given by a licensed veterinarian, as required under section 7333(14)(c) of the code.

(2) Training of the individual shall be under the instruction of a doctor of veterinary medicine currently licensed in this state and in good standing. The training shall include all of the following:

- (a) Lecture and clinical experience.
 - (b) Instruction about types of commercially-prepared, federally-approved animal tranquilizers currently available, as well as their drug reversals.
 - (c) Proper doses of tranquilizing drugs for each species for which the drugs are approved and drug dosage calculating.
 - (d) Administration techniques for the animal tranquilizers and their reversals.
 - (e) Drug contraindications and precautions.
 - (f) Animal monitoring techniques for tranquilized animals.
 - (g) Methods for identifying and handling drug-related emergencies.
- (3) An outline of the training shall be presented to the Michigan board of veterinary medicine for written approval prior to the start of training. Training in the use of animal tranquilizers that has been approved by the Michigan department of agriculture and rural development is deemed approved by the Michigan board of veterinary medicine. Documentation that the individual's training has been approved by the Michigan department of agriculture and rural development shall be submitted to the Michigan Department of Licensing and Regulatory Affairs with the application for a permit.

R 338.3519 Animal sedation; notification of completion of training; issuance of permit.

Rule 19. Upon receiving notification of an individual's successful completion of the minimum 16 hours of approved training from a licensed veterinarian, the department shall issue a permit to the animal control shelter or the animal protection shelter. An individual's proficiency may be shown by completion of a self-assessment program or other evaluation by the board of veterinary medicine.

R 338.3520 Animal sedation; establish and maintain written procedures; monitoring continued proficiency and compliance.

Rule 20. (1) An animal control shelter or animal protection shelter shall establish and maintain written procedures for the administration of animal tranquilizers. These procedures shall be kept on the licensed premises and shall be available for inspection.

(2) An individual's continued proficiency and a shelter's compliance with written procedures, in addition to compliance with all rules and regulations, may be monitored by the administrator or the board of veterinary medicine.

R 338.3521 Animal sedation; retention of records for dispensation of tranquilizing drugs.

Rule 21. (1) Records of the receipt and dispensation of animal tranquilizers shall be maintained at the animal control shelter or animal protection shelter. The records shall include all of the following information pertaining to an animal tranquilizer:

- (a) The date of acquisition.
- (b) The quantity acquired.
- (c) The drug name.
- (d) The trade name.
- (e) The lot number and strength of the animal tranquilizer.
- (f) A complete record of the dispensation of the animal tranquilizer that shows the quantity used, the time and date it was dispensed, the name of the administering individual, and a full description of the animal to which the animal tranquilizer was administered which includes all of the following:
 - (i) The species of the animal.
 - (ii) The breed of the animal.
 - (iii) The sex of the animal.
 - (iv) The age of the animal.
 - (v) The approximate weight of the animal.

(2) Records of dispensation for controlled drugs shall be kept pursuant to 21 C.F.R. part 1304. The code of federal regulations title 21, food and drugs, part 1304 is available at no cost on the internet at <http://www.gpoaccess.gov/nara/cfr>. Printed copies of 21 C.F.R. part 1304 are available for inspection and distribution at cost from the Michigan Board of Pharmacy, the Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, MI 48909.

(3) Records shall be kept for a period of 2 years and shall be available for inspection by the department or other authorized official.

R 338.3522 Storage of animal tranquilizers.

Rule 22. All stocks of the controlled and noncontrolled animal tranquilizers shall be stored in a securely locked, substantially constructed cabinet located in the facility, with access limited to the individuals described in R 338.614(b) and (d).

R 338.3523 Inspections.

Rule 23. The department may conduct an inspection of an animal control shelter or animal protection shelter before a permit is issued. The department or other authorized official may periodically make additional, unannounced inspections.

NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING - BOARD OF PHARMACY
TUESDAY, JULY 23, 2013 - 1:30 P.M.**

The Michigan Department of Licensing and Regulatory Affairs will hold a public hearing on Tuesday, July 23, 2013, starting at 1:30 p.m. at the following address:

Ottawa Building - Conference Room UL#3 611 W. Ottawa Street - Lansing, Michigan

The public hearing is being held to receive comments on the following proposed rules:

- **General Rules** (ORR #2012-095): Proposed amendments will affect rules for intern eligibility, examination information, limited licenses, licensure eligibility, relicensure requirements, prescription drug receipts, records, labeling, housing, etc.
- **Controlled Substances** (ORR #2012-096): Proposed rules will update the various controlled substance schedules.
- **Animal Euthanasia and Sedation** (ORR #2012-097): New rules will be added to comply with Public Act 451 of 2006.

These rules are being promulgated by the director of the Department of Licensing and Regulatory Affairs by sections 7201, 7216, 7333(8), 16145(2), 16145(3), 17722(a), 17737, and 17767 of 1978 PA 368, being MCL 333.7201, 333.7216, 333.7333(8), 333.16145(2), 333.16145(3), 333.17722(a), 333.17737, and 333.17767, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-01, and 2011-4, being MCL 330.3101, 445.2001, 445.2011, MCL 445.2030. These rules are proposed to take effect immediately upon filing with the Secretary of State, unless specified otherwise in the rules.

Comments on the proposed rules may be presented in person at the public hearing. Written comments may be submitted at the time of presentation and will also be accepted until 5:00 p.m. on July 29, 2013, at the following address or e-mail address:

Michigan Department of Licensing and Regulatory Affairs
Bureau of Health Care Services – Board of Pharmacy Rules Public Hearing
PO Box 30670; Lansing, MI 48909-8170
Attention: Norene Lind: E-mail address: lindn@michigan.gov

Copies of the proposed rules may be obtained by sending a request to the e-mail address listed above. Electronic copies may also be obtained at the following link: <http://www7.dleg.state.mi.us/orr/Rules.aspx?type=dept&id=LR>. Simply locate the ORR number associated with the rules above, and click on “Revision Text” to view the draft rules.

All hearings are conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate individuals with disabilities, and accessible parking is available. An individual who requires accommodations in order to participate in a hearing should call Shellayne Grimes at (517) 335-1341 to make the necessary arrangements. To ensure availability of the accommodation, please call at least 1 week in advance of the public hearing.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

June 24, 2013

Ms. Deidre O’Berry
Office of Regulatory Reinvention
Department of Licensing and Regulatory Affairs
Ottawa Building
611 West Ottawa Street
Lansing, Michigan 48933

Dear Ms. O’Berry:

SUBJECT: Request for Correction of the Michigan Administrative Code

The Department of Licensing and Regulatory Affairs (LARA), as the promulgating agency, is writing to request that the Office of Regulatory Reinvention exercise its discretion to correct obvious errors in the Michigan Administrative Code (MAC), pursuant to Section 56(1), MCL 24.256, of the Administrative Procedures Act, 1969 PA 306, as amended.

The correct language is in bold and yellow highlighted and the incorrect language is struck-through.

MIOSHA STANDARD		ORR NUMBE R	OBVIOUS ERROR
1	CS Part 6 Personal Protective Equipment	2012-039	(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011 , 445.2011 , 445.2025, and 445.2030) History: 2013 MR 6, Eff. March 21, 2013.
2	CS Part 7 Welding and Cutting	2012-040	(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011 , 445.2011 , 445.2025, and 445.2030)

	MIOSHA STANDARD	ORR NUMBE R	OBVIOUS ERROR
			History: 2013 MR 6, Eff. March 21, 2013.
3	CS Part 8 Handling and Storing Materials	2012-041	(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011 , 445.2011 , 445.2025, and 445.2030) History: 2013 MR 7, Eff. April 9, 2013.
4	CS Part 9 Excavation, Trenching, and Shoring	2012-042	(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011 , 445.2011 , 445.2025, and 445.2030) History: 2013 MR 6, Eff. March 21, 2013.
5	CS Part 11 Fixed and Portable Ladders	2012-048	(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011 , 445.2011 , 445.2025, and 445.2030) History: 2013 MR 7, Eff. April 11, 2013.
6	CS Part 14 Tunnels, Shafts, Caissons, and Cofferdams	2012-049	(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011 , 445.2011 , 445.2025, and 445.2030) History: 2013 MR 8, Eff. April 29, 2013.
7	CS Part 18 Fire Protection and Prevention	2012-051	(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154 and Executive Reorganization Order Nos. 1996-2 , Nos. 1996-2 , 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011 , 445.2011 , 445.2025, and 445.2030)

MIOsha STANDARD		ORR NUMBER	OBVIOUS ERROR
			History: 2013 MR 7, Eff. April 11, 2013.
8	CS Part 20 Demolition	2012-059	(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011 , 445.2011 , 445.2025, and 445.2030) History: 2013 MR 6, Eff. March 21, 2013.
9	CS Part 22 Signals, Signs, Tags, and Barricades	2012-045	(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, MCL 408.1019 and 408.1021; and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011 , 445.2011 , 445.2025, and 445.2030) History: 2013 MR 8, Eff. April 29, 2013.
10	CS Part 25 Concrete Construction		R 408.42502, R 408.42503, R 408.42518, R 408.42520, R 408.42521, R 408.42522, R 408.42524, R 408.42525, R 408.42526, R 408.42527, R 408.42528, R 408.42532 , R 408.425232 , and R 408.42533 of the Michigan Administrative Code are amended and R 408.42534 and R 408.42535 are rescinded, as follows: History: 2013 MR 1, Eff. Jan. 16, 2013.
11	CS Part 27 Blasting and Use of Explosives	2012-076	(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011 , 445.2011 , 445.2025, and 445.2030) History: 2013 MR 7, Eff. April 12, 2013.
12	CS Part 32 Aerial Work Platforms	2012-046	(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA

MIOsha STANDARD		ORR NUMBE R	OBVIOUS ERROR
			154, MCL 408.1019 and 408.1021; and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011 , 445.2011 , 445.2025, and 445.2030) History: 2013 MR 8, Eff. April 29, 2013.
13	CS Part 17 Electrical Installations	2012-058	R 408.41728. Grounding and bonding. Rule 1728. (1) A grounding circuit shall be continuous, be capable of carrying the current imposed on it, and have a resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current. (2) Non-electrical equipment. The metal parts of the following non-electrical equipment shall be grounded: (a) Frames and tracks of electrically operated cranes. (b) Frames of non-electrically driven elevator cars to which electric conductors are attached. (c) Hand-operated metal shifting ropes or cables of electric elevators. (d) Metal partitions, grill work, and similar metal enclosures around equipment of over 1 kV 1kV between conductors. (3) Driven rod electrodes, either singly or connected, shall have a resistance to ground of not more than 25 ohms. (4) Conductors used for bonding shall be capable of carrying the imposed current. The bonding clamps shall have a secure and positive metal-to-metal contact. History: 2013 MR 1, Eff. Jan. 16, 2013.

Please note the corrections in both the Michigan Register and the Michigan Administrative Code.

If you have any questions, please contact me anytime.

OTHER OFFICIAL INFORMATION

MCL 24.208 states in part:

Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(i) Other official information considered necessary or appropriate by the office of regulatory reinvention.

OTHER OFFICIAL INFORMATION

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BOARD OF PHARMACY-CONTROLLED SUBSTANCES

EMERGENCY RULES- CERTIFICATE OF EXTENSION

By authority conferred on the director of the Department of Licensing and Regulatory Affairs by Sections 16145(3) and 17701 of 1978 PA 368, MCL 333.16145(3) and 333.17701 et seq. and Executive Reorganization Order Nos. 2011-4 being MCL 445.2030 and pursuant to Section 48(2) of 1969 PA 306, being MCL 24.248(2), I hereby certify that it is necessary to extend the effective date of the Board of Pharmacy- Controlled Substances emergency rules set to expire July 9, 2013. Therefore, the Board of Pharmacy- Controlled Substances shall remain effective for an additional 6 months, expiring January 9, 2014.

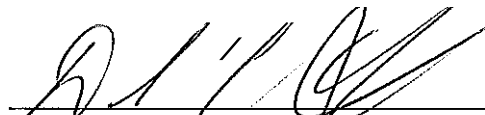


Steve Arwood

Department of Licensing and Regulatory Affairs

CERTIFICATE OF EXTENSION

Pursuant to Section 48(2) of 1969 PA 306, as amended, MCL 24.248(2), the Michigan Board of Pharmacy hereby determines that an imminent danger to the lives of individuals in this state can be prevented or controlled by the scheduling of the following named substances, and hereby determines that it is necessary to extend the effective date of the emergency rules Board of Pharmacy- Controlled Substances set to expire July 9, 2013, for an additional 6 months, expiring January 9, 2014.


Dhafer Almaklani, Chair
Michigan Board of Pharmacy

6/12/13
Date

June 12, 2013

MICHIGAN ADMINISTRATIVE CODE TABLE
(2013 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2013 RULE FILINGS)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
29.2901	A	5	123.1	*	10	123.66	R	10
29.2902	A	5	123.4	*	10	123.67	R	10
29.2903	A	5	123.21	*	10	123.68	R	10
29.2904	A	5	123.22	*	10	123.69	R	10
29.2905	A	5	123.23	*	10	123.71	R	10
29.2906	A	5	123.24	*	10	123.72	R	10
29.2907	A	5	123.43	*	10	123.73	R	10
29.2908	A	5	123.44	*	10	123.74	R	10
29.2909	A	5	123.51	*	10	123.75	R	10
29.2910	A	5	123.52	*	10	205.5	R	8
29.2911	A	5	123.53	*	10	205.9	R	8
29.2912	A	5	123.54	*	10	205.23	R	8
29.2913	A	5	123.55	*	10	205.1	*	8
29.2914	A	5	123.61	*	10	205.8	*	8
29.2915	A	5	123.62	*	10	205.15	*	8
29.2916	A	5	123.63	*	10	205.16	*	8
29.2917	A	5	123.64	*	10	205.20	*	8
29.2918	A	5	123.65	*	10	205.22	*	8
29.2919	A	5	123.20	A	10	205.26	*	8
29.2920	A	5	123.30	A	10	205.28	*	8
29.2921	A	5	123.31	A	10	205.136	*	8
29.2922	A	5	123.32	A	10	205.1101	R	6
29.2923	A	5	123.33	A	10	205.1111	R	6
29.2924	A	5	123.34	A	10	205.1115	R	6
29.2925	A	5	123.35	A	10	205.1120	R	6
29.2926	A	5	123.36	A	10	205.1125	R	6
54.201	*	12	123.37	A	10	205.1130	R	6
54.202	*	12	123.38	A	10	205.1135	R	6
54.203	*	12	123.40	A	10	205.1140	R	6
54.204	*	12	123.56	A	10	205.1145	R	6
54.205	*	12	123.6	R	10	205.1150	R	6
54.206	*	12	123.25	R	10	205.1155	R	6
54.207	*	12	123.26	R	10	205.1201	R	6
54.208	*	12	123.27	R	10	205.1202	R	6
54.209	*	12	123.41	R	10	205.1205	R	6
54.210	*	12	123.42	R	10	205.1208	R	6
54.211	A	12	123.45	R	10	205.1210	R	6
54.212	A	12	123.46	R	10	205.1215	R	6
54.213	A	12	123.47	R	10	205.1220	R	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
205.1222	R	6	205.1345	R	6	299.5403	R	2
205.1225	R	6	205.1348	R	6	299.5405	R	2
205.1228	R	6	209.1	*	5	299.5407	R	2
205.1230	R	6	209.31	*	5	299.5409	R	2
205.1235	R	6	257.1604	A	11	299.5411	R	2
205.1240	R	6	257.16910	*	11	299.5413	R	2
205.1245	R	6	281.663.1	R	11	299.5415	R	2
205.1247	R	6	281.1201	*	11	299.5530	R	2
205.1249	R	6	281.1204	*	11	299.5532	R	2
205.1250	R	6	281.1206	*	11	299.5534	R	2
205.1252	R	6	281.1208	*	11	299.5536	R	2
205.1255	R	6	285.138.1	R	5	299.5538	R	2
205.1257	R	6	285.502.1	R	10	299.5540	R	2
205.1260	R	6	299.3301	R	2	299.5732	R	2
205.1264	R	6	299.3302	R	2	299.5742	R	2
205.1270	R	6	299.3303	R	2	299.5901	R	2
205.1275	R	6	299.3304	R	2	299.5903	R	2
205.1278	R	6	299.3305	R	2	299.5905	R	2
205.1280	R	6	299.3306	R	2	299.5907	R	2
205.1281	R	6	299.3307	R	2	299.5909	R	2
205.1283	R	6	299.3308	R	2	299.5911	R	2
205.1285	R	6	299.3309	R	2	299.5913	R	2
205.1288	R	6	299.3310	R	2	299.5915	R	2
205.1290	R	6	299.3311	R	2	299.5917	R	2
205.1301	R	6	299.3312	R	2	299.5919	R	2
205.1303	R	6	299.3313	R	2	324.1501	R	2
205.1305	R	6	299.3314	R	2	324.1502	R	2
205.1307	R	6	299.3315	R	2	324.1503	R	2
205.1312	R	6	299.3316	R	2	324.1504	R	2
205.1313	R	6	299.3317	R	2	324.1505	R	2
205.1315	R	6	299.3318	R	2	324.1506	R	2
205.1317	R	6	299.3319	R	2	324.1507	R	2
205.1320	R	6	299.5105	R	2	324.1508	R	2
205.1330	R	6	299.5107	R	2	324.1509	R	2
205.1332	R	6	299.5109	R	2	324.1509a	R	2
205.1333	R	6	299.5111	R	2	324.1510	R	2
205.1335	R	6	299.5113	R	2	324.1511	R	2
205.1340	R	6	299.5117	R	2	325.5601	*	8
205.1342	R	6	299.5401	R	2	325.5602	*	8

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
325.5603	*	8	325.5690	A	8	325.5663	R	8
325.5605	*	8	325.5691	A	8	325.5664	R	8
325.5607	*	8	325.5692	A	8	325.5665	R	8
325.5608	*	8	325.5693	A	8	325.47801	R	11
325.5610	*	8	325.5694	A	8	325.50301	*	7
325.5611	*	8	325.5695	A	8	325.50303	*	7
325.5612	*	8	325.5696	A	8	325.50304	*	7
325.5613	*	8	325.5697	A	8	325.50302	R	7
325.5637	*	8	325.5698	A	8	325.50305	R	7
325.5655	*	8	325.5617	R	8	325.50306	R	7
325.5656	*	8	325.5618	R	8	325.50307	R	7
325.5601a	A	8	325.5619	R	8	325.50308	R	7
325.5626	A	8	325.5621	R	8	325.50309	R	7
325.5627	A	8	325.5622	R	8	325.50310	R	7
325.5628	A	8	325.5623	R	8	325.50311	R	7
325.5629	A	8	325.5624	R	8	325.50312	R	7
325.5630	A	8	325.5625	R	8	325.50313	R	7
325.5634	A	8	325.5631	R	8	325.50314	R	7
325.5635	A	8	325.5632	R	8	325.50315	R	7
325.5357	A	8	325.5633	R	8	325.50316	R	7
325.5658	A	8	325.5638	R	8	325.50317	R	7
325.5667	A	8	325.5639	R	8	325.50318	R	7
325.5668	A	8	325.5640	R	8	325.50319	R	7
325.5674	A	8	325.5641	R	8	325.50320	R	7
325.5675	A	8	325.5642	R	8	325.50321	R	7
325.5676	A	8	325.5643	R	8	325.50322	R	7
325.5677	A	8	325.5644	R	8	325.50323	R	7
325.5678	A	8	325.5645	R	8	325.50324	R	7
325.5679	A	8	325.5646	R	8	325.50325	R	7
325.5680	A	8	325.5647	R	8	325.50326	R	7
325.5681	A	8	325.5648	R	8	325.50327	R	7
325.5682	A	8	325.5649	R	8	325.50328	R	7
325.5683	A	8	325.5650	R	8	325.50329	R	7
325.5684	A	8	325.5651	R	8	325.50330	R	7
325.5685	A	8	325.5652	R	8	325.50331	R	7
325.5686	A	8	325.5659	R	8	325.50332	R	7
325.5687	A	8	325.5660	R	8	325.50333	R	7
325.5688	A	8	325.5661	R	8	325.50334	R	7
325.5689	A	8	325.5662	R	8	325.50335	R	7

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
325.50336	R	7	325.51880	*	10	338.3242	R	5
325.50337	R	7	325.51881	*	10	338.3243	R	5
325.50338	R	7	325.51883	*	10	338.3251	R	5
325.50339	R	7	325.51851a	A	10	338.3252	R	5
325.50340	R	7	325.51878a	A	10	338.3253	R	5
325.50341	R	7	325.51885	R	10	338.3254	R	5
325.50342	R	7	325.51886	R	10	338.3255	A	5
325.50343	R	7	325.60151	*	6	338.3256	A	5
325.50344	R	7	325.60154	*	6	338.3257	R	5
325.50345	R	7	325.60155	*	6	338.3258	R	5
325.50346	R	7	325.60156	*	6	338.3259	R	5
325.50347	R	7	325.60157	*	6	338.3261	R	5
325.50348	R	7	325.60158	*	6	338.3262	R	5
325.51101	*	6	325.60159	*	6	338.3263	R	5
325.51105	*	6	325.60160	*	6	338.3264	R	5
325.51108	*	6	325.60161	*	6	338.3265	R	5
325.51101a	A	6	325.60151a	A	6	338.3266	R	5
325.51190	*	7	336.1310	*	6	338.3267	R	5
325.51143	R	7	336.1330	R	6	338.3268	R	5
325.51301	*	11	338.7	*	6	338.3269	R	5
325.51302	*	11	338.108	R	6	338.3270	R	5
325.51311	*	11	338.3201	R	5	338.3281	R	5
325.51312	*	11	338.3202	R	5	338.3282	R	5
325.51851	*	10	338.3204	R	5	338.3283	R	5
325.51852	*	10	338.3206	R	5	338.3284	R	5
325.51854	*	10	338.3208	R	5	338.3291	R	5
325.51856	*	10	338.3218	R	5	338.3292	R	5
325.51859	*	10	338.3219	R	5	338.3295	R	5
325.51860	*	10	338.3220	R	5	338.3301	R	5
325.51862	*	10	338.3221	R	5	338.3302	R	5
325.51863	*	10	338.3231	R	5	338.3303	R	5
325.51865	*	10	338.3232	R	5	338.3304	R	5
325.51866	*	10	338.3233	R	5	338.3307	R	5
325.51867	*	10	338.3234	R	5	338.3311	R	5
325.51868	*	10	338.3235	R	5	338.3312	R	5
325.51869	*	10	338.3236	R	5	338.3313	R	5
325.51873	*	10	338.3238	R	5	338.3314	R	5
325.51874	*	10	338.3239	R	5	338.3317	R	5
325.51879	*	10	338.3241	R	5	338.3321	R	5

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
338.3324	R	5	338.5117	A	12	408.48	*	5
338.3327	R	5	338.5139	A	12	408.59	*	5
338.3331	R	5	338.5103	R	12	408.10413	R	1
338.3332	R	5	338.5105	R	12	408.10421	*	1
338.3335	R	5	338.5114	R	12	408.10509	*	1
338.3341	R	5	338.5120	R	12	408.10541	*	1
338.3345	R	5	338.5145	R	12	408.10570	*	1
338.3451	R	5	338.5260	R	12	408.10579	*	1
338.3455	R	5	338.5270	R	12	408.10580	*	1
338.3456	R	5	338.5446	R	12	408.10582	*	1
338.3461	R	5	338.5480	R	12	408.10590	*	1
338.3463	R	5	338.23030	R	6	408.10761	R	1
338.3464	R	5	339.22501	R	5	408.10763	R	1
338.3465	R	5	339.22503	R	5	408.10765	*	1
338.3466	R	5	339.22505	R	5	408.10801	*	1
338.5101	*	12	339.22507	R	5	408.10807	*	1
338.5102	*	12	339.22509	R	5	408.10823	*	1
338.5104	*	12	339.22511	R	5	408.10914	*	1
338.5110	*	12	339.22513	R	5	408.10925	*	1
338.5110a	*	12	339.22515	R	5	408.10999	*	1
338.5111	*	12	339.22517	R	5	408.11119	R	10
338.5112	*	12	339.22519	R	5	408.11121	R	10
338.5115	*	12	339.22521	R	5	408.11203	*	11
338.5140	*	12	339.22523	R	5	408.11211	*	11
338.5210	*	12	339.22525	R	5	408.11213	*	11
338.5217	*	12	339.22527	R	5	408.11221	*	11
338.5218	*	12	339.22529	R	5	408.11222	*	11
338.5230	*	12	339.23101	*	5	408.11224	*	11
338.5240	*	12	339.23102	*	5	408.11241	*	11
338.5255	*	12	340.1121	*	6	408.11243	*	11
338.5401	*	12	340.1122	*	6	408.11262	*	11
338.5405	*	12	340.1123	R	6	408.11275	*	11
338.5435	*	12	340.1124	R	6	408.11293	*	11
338.5460	*	12	390.67100	R	9	408.11294	*	11
338.5465	*	12	400.400	R	6	408.11202	A	11
338.5475	*	12	400.410	R	6	408.11432	*	6
338.5501	*	12	400.411	R	6	408.11431	R	6
338.5503	*	12	408.43b	*	9	408.11434	R	6
338.5116	A	12	408.43i	*	9	408.11724	*	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.11725	*	6	408.15721	*	8	408.17422	*	8
408.11807	*	10	408.15723	*	8	408.17423	*	8
408.11844	*	10	408.15725	*	8	408.17424	*	8
408.11851	*	10	408.15726	*	8	408.17426	*	8
408.11859	*	10	408.15739	*	8	408.17431	*	8
408.12111	*	10	408.15802	*	8	408.17432	*	8
408.12151	*	10	408.15810	*	8	408.17433	*	8
408.12155	*	10	408.15815	*	8	408.17434	*	8
408.12163	*	10	408.15821	*	8	408.17435	*	8
408.12216	*	7	408.15831	*	8	408.17436	*	8
408.12217	*	7	408.15833	*	8	408.17437	*	8
408.12218	*	7	408.16211	*	10	408.17451	*	8
408.12220	*	7	408.16222	*	10	408.17461	*	8
408.12242	*	7	408.16227	*	10	408.17463	*	8
408.12202	A	7	408.16236	*	10	408.17421	*	11
408.12231	R	7	408.16217	R	10	408.17461	*	11
408.13811	*	7	408.16511	*	6	408.30001	*	6
408.13812	*	7	408.16528	*	6	408.30002	A	6
408.13822	*	7	408.17125	R	6	408.30007	*	6
408.13847	*	7	408.17211	*	10	408.30013	*	6
408.13865	*	7	408.17212	*	10	408.30016	*	6
408.13871	*	7	408.17213	*	10	408.30019	*	6
408.13881	*	7	408.17222	*	10	408.30022	*	6
408.13802	A	7	408.17225	*	10	408.30025	*	6
408.14246	*	6	408.17236	*	10	408.30028	*	6
408.14263	*	6	408.17251	*	10	408.30031	*	6
408.14267	*	6	408.17227	R	10	408.30034	*	6
408.14269	*	6	408.17303	*	8	408.30037	*	6
408.14273	*	6	408.17310	*	8	408.30040	*	6
408.14231	R	6	408.17315	*	8	408.30043	*	6
408.14451	*	8	408.17318	*	8	408.30046	*	6
408.14476	*	8	408.17320	*	8	408.30049	*	6
408.14507	*	10	408.17403	*	8	408.30052	*	6
408.14521	*	10	408.17404	*	8	408.30055	*	6
408.14555	*	10	408.17405	*	8	408.30801	*	10
408.14535	R	10	408.17411	*	8	408.30806	*	10
408.15712	*	8	408.17412	*	8	408.30808	*	10
408.15713	*	8	408.17415	*	8	408.30810	*	10
408.15717	*	8	408.17421	*	8	408.30811	*	10

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.30812	*	10	408.40119	*	6	408.40810	*	7
408.30815	*	10	408.40121	*	6	408.40818	*	7
408.30817	*	10	408.40122	*	6	408.40819	*	7
408.30818	*	10	408.40127	*	6	408.40820	*	7
408.30819	*	10	408.40128	*	6	408.40821	*	7
408.30822	*	10	408.40130	*	6	408.40822	*	7
408.30823	*	10	408.40131	*	6	408.40831	*	7
408.30826	*	10	408.40132	*	6	408.40833	*	7
408.30827	*	10	408.40133	*	6	408.40834	*	7
408.30835	*	10	408.40134	*	6	408.40836	*	7
408.30838	*	10	408.40133	R	6	408.40837	*	7
408.30865	*	10	408.40125	R	6	408.40840	*	7
408.30869	*	10	408.40126	R	6	408.40841	*	7
408.30870	*	10	408.40617	*	6	408.40932	*	6
408.30871	*	10	408.40621	*	6	408.40933	*	6
408.30873	*	10	408.40622	*	6	408.40941	*	6
408.30872	R	10	408.40623	*	6	408.40851	*	6
408.30880	R	10	408.40624	*	6	408.40946	R	6
408.30901a	*	10	408.40625	*	6	408.40952	R	6
408.30906a	*	10	408.40626	*	6	408.41111	*	7
408.30910a	*	10	408.40631	*	6	408.41122	*	7
408.30912a	*	10	408.40634	*	6	408.41123	*	7
408.30915a	*	10	408.40635	*	6	408.41124	*	7
408.30918a	*	10	408.40627	R	6	408.41126	*	7
408.30923a	*	10	408.40632	R	6	408.41132	*	7
408.30927a	*	10	408.40641	R	6	408.41133	*	7
408.30928a	*	10	408.40709	*	6	408.41140	*	7
408.30935a	*	10	408.40711	*	6	408.41102	R	7
408.30945a	*	10	408.40712	*	6	408.41115	R	7
408.30946	*	10	408.40721	*	6	408.41125	R	7
408.30947	*	10	408.40722	*	6	408.41130	R	7
408.30948	*	10	408.40743	*	6	408.41131	R	7
408.30995a	*	10	408.40744	*	6	408.41210	*	7
408.30947a	A	10	408.40746	*	6	408.41211	*	7
408.30948a	A	10	408.40751	*	6	408.41215	*	7
408.30996	A	10	408.40761	*	6	408.41217	*	7
408.40102	*	6	408.40714	R	6	408.41221	*	7
408.40114	*	6	408.40729	R	6	408.41222	*	7
408.40116	*	6	408.40742	R	6	408.41224	*	7

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.41225	*	7	408.41627	*	1	408.42045	*	6
408.41226	*	7	408.41633	*	1	408.42046	*	6
408.41227	*	7	408.41658	*	1	408.42047	*	6
408.41231	*	7	408.41719	*	1	408.42131	R	1
408.41232	*	7	408.41725	*	1	408.42145	R	1
408.41233	*	7	408.41728	*	1	408.42149	*	1
408.41234	*	7	408.41802	*	7	408.42156	*	1
408.41235	*	7	408.41841	*	7	408.42157	*	1
408.41236	*	7	408.41852	*	7	408.42159	*	1
408.41237	*	7	408.41872	*	7	408.42160	R	1
408.41243	*	7	408.41884	*	7	408.42209	*	8
408.41245	*	7	408.41842	R	7	408.42213	*	8
408.41253	*	7	408.41850	R	7	408.42223	*	8
408.41254	*	7	408.41932	*	7	408.42225	*	8
408.41255	*	7	408.41934	*	7	408.42238	*	8
408.41256	*	7	408.41935	*	7	408.42402	*	1
408.41261	*	7	408.41943	*	7	408.42403	*	1
408.41264	*	7	408.41945	*	7	408.42404	*	1
408.41228	R	7	408.41949	*	7	408.42405	*	1
408.41244	R	7	408.41952	*	7	408.42406	*	1
408.41246	R	7	408.41953	*	7	408.42407	*	1
408.41262	R	7	408.41954	*	7	408.42502	*	1
408.41263	R	7	408.41957	*	7	408.42503	*	1
408.41410	*	8	408.41959	*	7	408.42518	*	1
408.41462	*	8	408.41964	*	7	408.42520	*	1
408.41464	*	8	408.41977	*	7	408.42521	*	1
408.41465	*	8	408.41980	*	7	408.42522	*	1
408.41466	*	8	408.41902	A	7	408.42524	*	1
408.41467	*	8	408.41931	R	7	408.42525	*	1
408.41472	*	8	408.41956	R	7	408.42526	*	1
408.41475	*	8	408.41970	R	7	408.42527	*	1
408.41476	*	8	408.41971	R	7	408.42528	*	1
408.41477	*	8	408.41974	R	7	408.42531	*	1
408.41478	*	8	408.41975	R	7	408.42532	*	1
408.41482	*	8	408.41979	R	7	408.42533	*	1
408.41075a	A	8	408.42031	*	6	408.42534	R	1
408.41077a	A	8	408.42034	*	6	408.42535	R	1
408.41468	R	8	408.42041	*	6	408.42602	*	1
408.41610	*	1	408.42043	*	6	408.42644	*	1

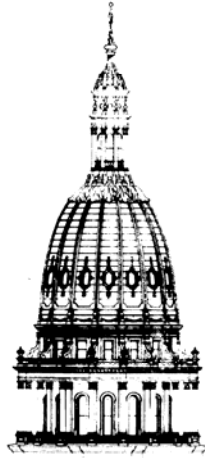
(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.42732	*	7	408.43156	R	7	491.150	R	3
408.42733	*	7	408.43157	R	7	491.155	R	3
408.42741	*	7	408.43158	R	7	491.160	R	3
408.42743	*	7	408.43161	R	7	491.165	R	3
408.42755	*	7	408.43162	R	7	491.170	R	3
408.42759	*	7	408.43204a	*	8	491.175	R	3
408.42799	*	7	408.43207	*	8	491.180	R	3
408.42756	R	7	408.43212	*	8	491.185	R	3
408.43101	R	7	432.2	*	10	491.190	R	3
408.43103	R	7	432.6	*	10	491.195	R	3
408.43104	R	7	436.1335	R	5	491.197	R	3
408.43105	R	7	484.71	*	6	550.402	A	6
408.43106	R	7	484.72	*	6	550.403	A	6
408.43107	R	7	484.73	*	6	550.404	A	6
408.43109	R	7	484.74	*	6	554.701	*	9
408.43111	R	7	484.75	*	6	554.723	*	9
408.43112	R	7	484.81	*	8	554.731	*	9
408.43113	R	7	484.82	*	8	554.733	*	9
408.43114	R	7	484.83	*	8	554.734	*	9
408.43121	R	7	484.84	*	8	554.736	*	9
408.43122	R	7	484.85	*	8	554.737	*	9
408.43123	R	7	484.86	*	8	554.741	*	9
408.43124	R	7	484.87	*	8	554.742	*	9
408.43125	R	7	484.88	*	8	554.743	*	9
408.43126	R	7	484.89	*	8	554.744	*	9
408.43127	R	7	484.90	*	8	554.746	*	9
408.43131	R	7	490.113	R	11	554.721	R	9
408.43132	R	7	490.114	R	11	554.722	R	9
408.43133	R	7	490.117	R	11	554.747	R	9
408.43134	R	7	490.118	R	11	554.750	A	9
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408.43145	R	7	491.115	R	3	792.10203	A	6
408.43146	R	7	491.120	R	3	792.10205	A	6
408.43151	R	7	491.125	R	3	792.10207	A	6
408.43152	R	7	491.130	R	3	792.10209	A	6
408.43153	R	7	491.135	R	3	792.10211	A	6
408.43154	R	7	491.140	R	3	792.10213	A	6
408.43155	R	7	491.145	R	3	792.10215	A	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue
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792.10219	A	6
792.10221	A	6
792.10223	A	6
792.10225	A	6
792.10227	A	6
792.10229	A	6
792.10231	A	6
792.10233	A	6
792.10237	A	6
792.10239	A	6
792.10241	A	6
792.10243	A	6
792.10245	A	6
792.10247	A	6
792.10249	A	6
792.10251	A	6
792.10253	A	6
792.10255	A	6
792.10257	A	6
792.10259	A	6
792.10261	A	6
792.10263	A	6
792.10265	A	6
792.10267	A	6
792.10269	A	6
792.10271	A	6
792.10273	A	6
792.10275	A	6
792.10277	A	6
792.10279	A	6
792.10281	A	6
792.10283	A	6
792.10285	A	6
792.10287	A	6
792.10289	A	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2012 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2013 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

June 18, 2013
Through PA 64 of 2013

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4153		Yes	3/12	3/12	3/12/13	Sales tax ; collections; retroactive effective date for regulations on prepaid sales tax on gasoline; provide for. (Rep. M. Shirkey)
2		044	Yes	3/12	3/12	6/1/13	Criminal procedure ; sex offender registration; placement on the public registry; remove certain exceptions. (Sen. R. Jones)
3		060	Yes	3/12	3/12	3/12/13	Weapons ; licensing; definition of federally licensed firearms dealer; modify. (Sen. M. Green)
4		061	Yes	3/18	3/18	3/18/13 #	Insurance ; health care corporations; merger of health care corporation with a nonprofit mutual disability insurer; allow, and provide procedures, prescribe requirements on rating and certain contract provisions, and establish requirements for a health endowment fund corporation. (Sen. J. Hune)
5		062	Yes	3/18	3/18	3/18/13 #	Insurance ; health; regulations applicable to nonprofit mutual disability insurer; revise to accommodate merger with nonprofit health care corporation and prescribe requirements on rating and certain contract provisions. (Sen. V. Smith)
6		0234	Yes	3/20	3/20	3/20/13 #	Vehicles ; fund-raising registration plates; fund-raising plate for ducks unlimited; provide for. (Sen. R. Richardville)
7	4337		Yes	3/20	3/20	3/20/13 #	Vehicles ; fund-raising registration plates; distribution of proceeds from sales of ducks unlimited fund-raising plates; provide for. (Rep. D. Zorn)
8		048	Yes	3/26	3/26	3/26/13	Animals ; other; exemption from large carnivore act for certain businesses; expand to exempt businesses that allow patrons to come into contact with bears less than 36 weeks of age or bears that weigh 90 pounds or less and make other general revisions. (Sen. T. Casperson)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0233	Yes	3/27	3/27	3/27/13	Appropriations; supplemental ; various state departments and agencies; provide appropriations. (<i>Sen. D. Booher</i>)
10		0252	Yes	3/27	3/27	3/27/13	Watercraft; marinas ; marina dredging loan origination program; establish. (<i>Sen. J. Brandenburg</i>)
11	4398		Yes	3/27	3/27	3/27/13	Watercraft; marinas ; dredging material from Great Lakes bottomlands determined to be largely sand; revise permit fee. (<i>Rep. A. Price</i>)
12	4399		Yes	3/27	3/27	3/27/13	Natural resources; Great Lakes ; expedited conditional permit process; allow for emergencies. (<i>Rep. A. Pscholka</i>)
13	4400		Yes	3/27	3/27	3/27/13	Watercraft; marinas ; dredging material from inland lakes and streams determined to be largely sand; revise fee. (<i>Rep. P. Pettalia</i>)
14		019	Yes	4/16	4/16	4/16/13	Financial institutions; mortgage brokers and lenders ; appointments to the mortgage industry advisory board; modify. (<i>Sen. D. Booher</i>)
15		065	Yes	4/16	4/16	4/16/13	Individual income tax; collections ; withholding requirement for certain members of a flow-through entity; clarify. (<i>Sen. J. Brandenburg</i>)
16	4052		Yes	4/23	4/23	4/23/13 #	Trade; vehicles ; motor vehicle sales finance act; expand to include certain nonmotorized recreational vehicles. (<i>Rep. K. Kurtz</i>)
17	4053		Yes	4/23	4/23	4/23/13 #	Trade; vehicles ; application of retail installment sales act; exclude certain nonmotorized recreational vehicles. (<i>Rep. K. Kurtz</i>)
18	4045		Yes	4/23	4/23	4/23/13	Occupations; electricians ; eligible apprenticeship training programs; revise requirements for fire alarm specialty technicians. (<i>Rep. H. Crawford</i>)

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2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
19	4123		Yes	4/23	4/23	7/1/13	Torts; liability; personal injury or property damage caused by propane gas equipment or appliances; provide protection from liability. (Rep. R. Victory)
20		0108	Yes	5/7	5/7	5/7/13	Highways; name; portion of I-94 in Kalamazoo county; designate as the "Officer Eric Zapata Memorial Highway". (Sen. T. Schuitmaker)
21		0288	Yes	5/8	5/8	5/8/13	Natural resources; hunting; natural resources commission ability to designate species as game; provide for. (Sen. T. Casperson)
22		0289	Yes	5/8	5/8	5/8/13	Natural resources; hunting; right to hunt and fish; provide for. (Sen. T. Casperson)
23	4093		Yes	5/9	5/9	5/9/13 #	Crimes; intoxication or impairment; alcohol content for individuals operating a vehicle under the influence of alcoholic liquor; maintain at 0.08 without reversion to 0.10. (Rep. A. LaFontaine)
24	4131		Yes	5/9	5/9	5/9/13 #	Criminal procedure; sentencing guidelines; alcohol content for individuals operating a motor vehicle under the influence of alcoholic liquor in the code of criminal procedure; maintain at 0.08 without reversion to 0.10. (Rep. K. Kesto)
25		0218	Yes	5/9	5/10	8/9/13	Economic development; tax increment financing; sunset on water resource improvement tax increment finance authority; remove, and allow dredging. (Sen. G. Hansen)
26		0123	Yes	5/9	5/10	5/10/13	State financing and management; funds; funding for purchase of land and development of certain convention facilities; provide for. (Sen. D. Hildenbrand)
27	4037		No	5/14	5/14	5/1/14	Traffic control; driver license; designation of veteran status on driver license; provide for, and allow secretary of state to report certain veteran information to certain other departments and agencies. (Rep. N. Jenkins)
28		0219	No	5/14	5/14	5/1/14	State; identification cards; veteran designation on state identification cards; allow. (Sen. D. Booher)

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+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
29	4471		Yes	5/16	5/16	5/16/13	Education; calendar ; exception to minimum days of pupil instruction requirement for inclement weather days; allow for 2012-2013 if minimum hours requirement is met. (Rep. P. Potvin)
30		0178	No	5/14	5/16	**	Insurance; health ; standard prior authorization methodology for prescription drugs; create a workgroup to establish and require insurers and prescribers to use after a specific date. (Sen. T. Schuitmaker)
31		0179	No	5/14	5/16	** #	Insurance; health care corporations ; standard prior authorization methodology for prescription drugs; create a workgroup to establish and require corporations and prescribers to use after a specific date. (Sen. T. Schuitmaker)
32	4054		Yes	5/14	5/16	5/16/13	Family law; other ; definition of eligible domestic relations order; modify. (Rep. K. Heise)
33		043	Yes	5/20	5/20	5/20/13	Courts; judges ; certain district court judgeships; increase, and reduce number of circuit court judgeships. (Sen. R. Jones)
34	4264		Yes	5/21	5/21	5/21/13	Criminal procedure; sentencing ; consecutive sentencing for financial exploitation of vulnerable adult; allow under certain circumstances. (Rep. T. Leonard)
35		097	Yes	5/21	5/21	8/20/13	Traffic control; civil infraction procedures ; waiver of fine for violating certain infant seat requirements; allow. (Sen. J. Proos)
36	4254		Yes	5/21	5/21	5/21/13	Vehicles; registration ; electric carriage; exempt from definition of motor vehicle and define "use a hand-held mobile telephone". (Rep. J. Walsh)
37		016	Yes	5/28	5/28	5/28/13	Natural resources; wildlife ; wildlife violator compact law; modify enforcement provisions. (Sen. H. Walker)
38	4050		Yes	6/4	6/4	6/4/13	Children; protection ; children's ombudsman to investigate victims of child abuse or neglect; expand criteria to include children who have died as a result of child abuse or neglect. (Rep. K. Kurtz)

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*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
39	4177		Yes	6/4	6/4	6/4/13	Crimes; homicide ; reference to vulnerable adult abuse in first degree murder statute; revise. (Rep. J. Ananich)
40	4705		Yes	6/4	6/4	6/4/13	Property tax; state education tax ; reimbursement of certain levied millage revenues; allow. (Rep. E. McBroom)
41	4042		Yes	6/5	6/5	6/5/13	Human services; food assistance ; criteria for the issuance of Michigan bridge cards; modify. (Rep. T. Kelly)
42		051	Yes	6/6	6/6	6/6/13	Property tax; classification ; qualified forest property tax program; modify. (Sen. D. Booher)
43		054	Yes	6/5	6/6	6/6/13	Property tax; classification ; allocation of qualified forest property recapture tax; modify. (Sen. T. Casperson)
44		055	Yes	6/5	6/6	6/6/13	Property tax; exemptions ; definition of qualified agricultural property; revise. (Sen. M. Green)
45		056	Yes	6/5	6/6	6/6/13	Natural resources; forests ; private forest management; provide oversight from the department of agriculture and rural development and provide for conservation district assistance to owners of forestland. (Sen. D. Booher)
46		057	Yes	6/5	6/6	6/6/13	Agriculture; other ; Michigan agriculture environmental assurance program; expand to include lands not utilized for traditional or production agriculture such as forest management. (Sen. A. Meekhof)
47		058	Yes	6/5	6/6	6/6/13	Natural resources; forests ; promotion of forestry and the development of the forest products industry in the state; provide for. (Sen. J. Moolenaar)
48	4069		Yes	6/5	6/6	6/6/13	Natural resources; forests ; classification of forestland as commercial forest; clarify requirements for inclusion and withdrawal of forestland. (Rep. F. Foster)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
49	4243		Yes	6/5	6/6	6/6/13	Property tax; other; qualified forest property recapture tax; revise. (Rep. E. McBroom)
50	4244		Yes	6/5	6/6	6/6/13	Property tax; classification; qualified forest property; revise exemption. (Rep. B. Rendon)
51	4171		Yes	6/11	6/11	6/11/13 #	Elections; canvassing; elimination of local boards of canvassers and amendment of process to balance precinct results; provide for, and clarify allocation of costs to conduct village elections. (Rep. B. Jacobsen)
52	4169		Yes	6/11	6/11	6/11/13 #	Elections; canvassing; reference in general law village act to board of village canvassers and board of township canvassers; revise to board of county canvassers. (Rep. D. Pagel)
53	4170		Yes	6/11	6/11	6/11/13 #	Elections; canvassing; reference in community college act of 1966 to board of city or township canvassers; eliminate. (Rep. K. Cotter)
54	4127		Yes	6/11	6/11	6/11/13	Criminal procedure; probation; GPS bail monitoring of certain offenders; allow. (Rep. J. Johnson)
55	4360		Yes	6/11	6/11	9/10/13	Liquor; licenses; penalties for certain unauthorized transactions for food assistance or family independence program benefits; provide for. (Rep. G. Haines)
56	4361		Yes	6/11	6/11	9/10/13	Gaming; lottery; lottery sales agent; provide for penalties for fraudulent activity related to food assistance benefits. (Rep. R. Victory)
57		0165	Yes	6/11	6/11	9/10/13	Health facilities; hospitals; policy regarding life-sustaining or nonbeneficial treatment; require policy be disclosed in writing upon request and provide to parent or guardian if it applies to a minor or ward. (Sen. J. Marleau)
58		0335	Yes	6/11	6/11	6/11/13	Insurance; health; health insurance claims assessment; extend the sunset. (Sen. R. Kahn)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
59	4328		Yes	6/13	6/13	6/13/13 +	Appropriations; other; omnibus budget bill for fiscal year 2013-2014; provide for. (Rep. J. Haveman)
60	4228		Yes	6/13	6/13	6/13/13	Appropriations; school aid; fiscal year 2013-2014 omnibus appropriations for school aid, higher education, and community colleges; provide for. (Rep. B. Rogers)
61	4458		Yes	6/16	6/18	6/18/13	Economic development; tax increment financing; capture of increased tax revenue levied under certain tax millages; prohibit. (Rep. E. Kowall)
62	4461		Yes	6/16	6/18	6/18/13	Economic development; local development financing authority; capture of increased tax revenue levied under certain millages; prohibit. (Rep. H. Haugh)
63	4463		Yes	6/16	6/18	6/18/13	Economic development; other; capture of increased tax revenue levied under certain millages; prohibit. (Rep. J. Walsh)
64	4464		Yes	6/16	6/18	6/18/13	Economic development; other; capture of increased tax revenue levied under certain millages; prohibit. (Rep. G. Haines)

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